

WINNIPEG
CHARTER

1902



CONTROLLER, W. S. EVANS.



EX LIBRIS
UNIVERSITATIS
ALBERTENSIS

Prairie Provinces Collection

1924

1902

W. Lawrence

CHAPTER 77.

An Act to provide for a Charter for the City of Winnipeg and to repeal all Acts and parts of Acts in conflict therewith.

[Assented to March 1st, 1902.]

Whereas the Mayor and Council of the City of Winnipeg have applied for a Charter for the said City;

And whereas it is expedient that a Charter be granted to the said City;

Therefore,

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Manitoba, enacts as follows:—

TITLE.

1. This Act may be cited as "The Winnipeg Charter." Short title.

INTERPRETATION.

2. Where and whenever the words following occur in this Act, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears or the interpretation which such provision would give to any word, expression or clause is inconsistent with the section or clause in which it occurs.

(a) The word "City" shall mean the City of Winnipeg. "City."

(b) The words "the Corporation" shall mean the "Municipal Corporation of the City of Winnipeg." "The Corporation."

(c) The words "the Council" shall mean "The Municipal Council of the City of Winnipeg." "The Council."

(d) The words "Mayor," "Alderman," "Clerk," "Treasurer," "Comptroller," "Tax Collector," "Assessment Commissioner," "Assessors," "Surveyor," "Water and Light Commissioner," "Health Officer," "Health Inspector," "Inspector of Licenses," "City Engineer," "Inspector of" "Mayor," "Alderman," "Clerk," "Treasurer," etc.

Buildings," "Electrician," mean the "Mayor," "Alderman," "Clerk," "Treasurer," "Comptroller," "Tax Collector," "Assessment Commissioner," "Assessors," "Surveyor," "Water and Light Commissioner," "Health Officer," "Health Inspector," "Inspector of Licenses," "City Engineer," "Inspector of Buildings," and "Electrician" of the City of Winnipeg.

"Electors,"
"Voters." (e) The expression "electors" or the expression "voters" means the persons entitled for the time being to vote at a municipal election held in the City of Winnipeg, or in respect of any by-law in any of the polling subdivisions of said City.

"Election." (f) The expression "election" includes the nomination.

"Declaration."
"Statutory declaration." (g) The expression "declaration," where used of a declaration of office or qualification, means and includes the oath, affirmation or declaration as the context may require, and the expression "statutory declaration" means a declaration made under the Act of the Parliament of Canada intitled "The Canada Evidence Act, 1893."

"Street,"
"Streets." (h) The word "street" or "streets" shall include all highways, roads, lanes, avenues, thoroughfares, drives, bridges, and ways of a public nature, and shall also include sidewalks, boulevards, parks, public squares and other public places unless the contrary is expressed or unless such construction would be inconsistent with the context or manifest intention of this Act.

"Lands,"
"Real estate,"
"Real property."
"Property." (i) The expressions "land," "lands," "real estate" and "real property," respectively, include lands, tenements and hereditaments and all rights ~~therein~~ and interests therein, and the expression "property" includes both real and personal property unless where it is otherwise expressed.

"Personal estate,"
"Personal property." (j) The expressions "personal estate" and "personal property," respectively, include all goods, chattels, shares in incorporated companies, dividends from bank stock, money, notes, accounts and debts and other property except land and real estate.

"Lieutenant-Governor." (k) The expression "Lieutenant-Governor" means and includes the Lieutenant-Governor-in-Council, as the context may require.

"Next day." (l) The expression "next day" shall not apply to nor include Sunday or a statutory holiday.

"Holidays." (m) In reckoning time for the purposes of this Act, holidays, as defined by "The Manitoba Interpretation Act," shall be excluded from the computation when the time is

on face " " , 6 / 10 1903

eight days or any shorter period, and shall be included in the computation when the time is any longer than eight days.

(n) The expression "election" means an election of a member of the Council, and includes a vote upon any by-law ^{"Election" includes vote on by-law} submitted by the council to the electors qualified to vote thereon.

(o) The expression "to vote" means to vote at an election. ^{To vote.}

(p) The expression "owner" means a person who is proprietor in his or her own right of an estate for life or any greater estate, either legal or equitable. ^{Owner.}

(q) The expression "District Registrar" means the District Registrar for Winnipeg.

INCORPORATION.

3. The inhabitants of the City of Winnipeg heretofore incorporated as a municipality by Chapter VII of the Statutes of the Province of Manitoba passed in the 17th year of the reign of Her late Majesty Queen Victoria, intitled "An Act to Incorporate the City of Winnipeg," and by various subsequent statutes continued as a municipal corporation, shall continue to be a body corporate in the name of "The City of Winnipeg," and shall have all the rights and be subject to all the liabilities of a corporation, and especially shall have full power to acquire, hold and alienate both real and personal estate for all municipal purposes, and by the same estate it or its successors shall have perpetual succession, and it shall, have power to sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts and in all actions, causes and suits at law, and in equity whatsoever, and it shall have a common seal, with power to alter and use for the same at its will and pleasure, and it shall be in law capable of receiving by donation, acquiring, holding, disposing of and conveying any property, real or movable, for the use of the said City and of becoming a party to any contracts or agreements in the management of the affairs of the said City, and with the municipal boundaries hereinafter in this Act defined, by metes and bounds, that is to say:—

Firstly—Commencing at a point in the centre line of the Red River where the line between lots numbered two and three of the Parish of Kildonan would strike if produced in a straight line easterly thereto, thence westerly along said production to and along the said line between lots numbered two and three to the easterly limit of Hearn street, thence northerly along the easterly limit of Hearn street to the northeast corner of the road allowance adjacent to the northeast corner of section numbered twenty-four in town

ship numbered eleven, in range numbered two, east of the principal meridian: thence westerly along the north side of the said road allowance to a point due north of the northwest corner of said quarter section: thence easterly in a straight line to and along the western limit of the shoreward quarter section to the northwest corner thereof: and continuing thence due south along the west side of the Government road allowance to its intersection with the north side of the road allowance in the far east end of the lots fronting on the Assiniboine River: thence westerly along the north side of the last mentioned road allowance to a point where the west side of the Government road allowance between lots numbered forty one and forty two of the Parish of St. James would strike, if produced easterly thereto, thence south only, in a straight line to and along the west side of the last mentioned road allowance and the same produced in a straight line to the centre line of the Assiniboine River, thence westerly along the centre line of the Assiniboine River to its intersection with the parallel line between St. Boniface and St. Charles and easterly thereto, thence southerly in a straight line to and along the said parish boundary to the south side of the road allowance at the two mile end of lots fronting on the south side of the Assiniboine River, thence easterly along the south side of the road allowance at the two mile limit of lots fronting on the south side of the Assiniboine River to its intersection with the west side of the road allowance at the two mile limit of lots fronting on the Red River, thence southerly along the west side of the last mentioned road allowance to its intersection with the line between lots numbered thirteen and seventeen of the Parish of St. Boniface produced westerly thereto, thence easterly in a straight line to and along the last mentioned parallel line to the division line between lots numbered thirteen and sixteen of said Parish of St. Boniface: thence southerly along the last mentioned division line to the present thereof in a straight line to the centre line of the Red River, and thence in a general northerly direction following along the centre line of the Red River to the place of beginning: and secondly the northwest quarter of Section fourteen in Township eleven in Range two east of the principal meridian in the Province of Manitoba and the land, territory and property lying within said limits shall form the territorial extent of the said City of Winnipeg.

the extension of the City limits

4. For the purpose of this Act, the City of Winnipeg shall be divided into ~~six~~ wards, to be known and numbered respectively, "One," "Two," "Three," "Four," "Five," and "Six," and the boundaries thereof shall be respectively as follows:—

Division of
City into
wards.

(1906)

© All those portions of lots 12 to 24 both inclusive according to the Dominion Government Survey of the Parish of St Charles in the Province of Manitoba, which lie to the south of a line drawn parallel with the Dominion Government base line crossing said lots and perpendicularly distant sixteen English hundred and fifteen feet therefrom. Nothing herein contained shall affect the main highway.

4 P 5 Ed Vol Chap 98 Sec 2 (1905)

WARD ONE.

Commencing at the centre line of the Red River, where the centre line of the Assiniboine River intersects it, thence ~~westerly~~ ^{Boundary—} ^{Ward One.} along the centre line of the Assiniboine River to its intersection with the parish line between St. Boniface and St. Charles, produced in a straight line northerly thereto, thence southerly in a straight line to, and along the said parish boundary to the south side of the road allowance at the two-mile limit of lots fronting on the south side of the Assiniboine River, thence easterly along the south side of the said road allowance to its intersection with the west side of the road allowance at the two-mile limit of lots fronting on the Red River, thence southerly along the west side of the last mentioned road allowance to its intersection with the production westerly in a straight line of the line between lots numbered thirteen and seventeen of the Parish of St. Boniface, thence easterly in a straight line to and along the last mentioned line between lots numbered thirteen and seventeen to the divisional line between lots thirteen and sixteen of said Parish of St. Boniface, thence southerly along the last mentioned divisional line and the production thereof, in a straight line, to the centre of the Red River, and thence in a general northerly direction, following the centre line of the Red River, to the place of beginning.

WARD TWO.

Commencing at the centre line of the Red River, where the centre line of Notre Dame Avenue East would strike it, produced easterly thereto, thence westerly in a straight line to and along the centre line of Notre Dame Avenue East and the production thereof to the centre line of Main Street, thence northerly along the centre line of Main Street to its intersection with the centre line of Portage Avenue produced easterly thereto, thence westerly in a straight line to and along the centre line of Portage Avenue to its intersection with the centre line of Notre Dame Avenue produced easterly thereto, thence westerly in a straight line to and along the centre line of Notre Dame Avenue to its intersection with the boundary line between the Parishes of St. John and St. James produced northerly thereto, thence southerly in a straight line to and following along the said boundary line between the Parishes of St. John and St. James to the centre line of ~~Colony Street~~, thence ~~southerly~~ ⁽¹⁹⁰²⁾ ^{Boundary—} ^{Ward Two.} along the ~~centre line of Colony Street and the production thereof in a straight line to the centre line of the Assiniboine River and~~ thence easterly and northerly following along the centre line

of the Assiniboine River and the Red River, respectively, to the place of beginning.

WARD THREE.

*Boundary—
Ward Three.*

Commencing at the centre line of the Assiniboine River, where the same is intersected by the boundary line between the parishes of St. John and St. James, thence northerly along and following the said parish boundary and the production thereof, to the centre line of Notre Dame Avenue, thence westerly, following the centre line of Notre Dame Avenue to the western limit of the City, thence southerly following the western limit of the City, to the centre line of the Assiniboine River, thence easterly, along the centre line of the Assiniboine River to the place of beginning.

WARD FOUR.

*Boundary—
Ward Four.*

Firstly, Commencing at the centre line of the Red River, where the centre line of Alexander Avenue would strike, if produced easterly thereto, thence westerly in a straight line to and along the centre line of Alexander Avenue to Melphigue Street, thence westerly crossing Melphigue Street in a straight line to the intersection of the westerly limit thereof with the line between lots numbered ten and eleven of the Parish of St. John, thence westerly along the said line between lots numbered ten and eleven of the Parish of St. John and said line produced to the westerly limit of the City, thence southerly, following the western limit of the City to its intersection with the centre line of Notre Dame Avenue, thence easterly along the centre line of Notre Dame Avenue and the same produced to the centre line of Portage Avenue, thence easterly along the centre line of Portage Avenue, and the production thereof to the centre line of Main Street, thence southerly along the centre line of Main Street to the centre line of Notre Dame Avenue East produced westerly thereto, thence easterly in a straight line to and along the centre line of Notre Dame Avenue East and the production thereof, to the centre line of the Red River, thence southerly along the centre line of the Red River to the place of beginning, and, secondly, the southwest quarter of Section fourteen (14), in Township eleven (11), in Range two (2) east of the principal meridian in the Province of Manitoba.

WARD FIVE.

*Boundary—
Ward Five.*

Commencing at the centre line of the Red River, where the line between lots numbered fifty-seven and fifty-eight of the Parish of St. John would strike, if produced easterly

thereto, thence westerly in a straight line to and along the southerly boundary of said lot numbered fifty-seven, to Austin Street, thence crossing Austin Street in a straight line westerly to the point of intersection of the southerly limit of parish lot numbered thirty-six, produced in a straight line easterly thereto, with the west side of Austin Street, thence westerly along said production easterly of the south boundary line of said parish lot numbered thirty-six, and along said parish lot line and the production thereof westerly to the western limit of the City, thence southerly along the western limit of the City to its intersection with the southerly limit of lot numbered eleven of the Parish of St. John, produced westerly thereto, thence easterly in a straight line to and along the southerly limit of said lot numbered eleven to the west side of McPhillips Street, thence easterly, crossing McPhillips Street in a straight line to the westerly limit of the centre line of Alexander Avenue, thence easterly along the centre line of Alexander Avenue, said line produced easterly to the centre line of the Red River, and thence northerly along the centre line of the Red River to the place of beginning.

WARD SIX.

~~Continuing at a point on the centre line of the Red River, where the line between lots numbered two and three in the Parish of Kenosha would stand, if produced easterly thence, thence westerly in a straight line to and along the centre line between lots numbered two and three to the eastern limit of Hudson Street, thence northerly along the east side of said Hudson Street to the north limit of the road allowance on the north side of the northeast quarter of section numbered twenty-four, in township numbered eleven, in range numbered two, east of the principal meridian, thence westerly along the north side of said road allowance to the westerly limit of the City, thence southerly, along the western limit of the City to its intersection with the southerly boundary of lot numbered thirty-six of the Parish of St. John, produced westerly thereto, thence easterly in a straight line to and along the southern boundary of said lot numbered thirty-six and the production thereof, in a straight line to the west side of Austin Street, thence easterly, crossing Austin Street, in a straight line to the point of intersection of the east side of Austin Street with the southern boundary of lot numbered fifty-seven of the Parish of St. John, and thence easterly along the southern limit of said lot numbered fifty-seven and the production thereof easterly in a straight line to the centre line of the Red River, and thence northerly, along the centre line of the Red River, to the place of beginning.~~

Ward Six.
See R. App. 10.

27
boundary
Ward Six as shown
27.11 11 97
see R. App. 10
11 April.

5. The powers of the City under this Act shall be exercised by the Council thereof.

6. The Mayor, and members of the Council, and the officers, by laws, contracts, property, assets and liabilities of the City, when this Act takes effect, shall be deemed the Mayor, and members of the Council, and the officers, by laws, contracts, property, assets and liabilities of the City of Winnipeg as continued under or altered by this Act, subject to the provisions of this Act.

THE CITY COUNCIL—MAYOR AND ALDERMEN

City Council. 7. The Council of the City of Winnipeg shall consist of the Mayor, who shall be the head thereof, and two aldermen for every ward, elected in accordance with the provisions of this Act. (Sec. 44, Municipal Act.)

General qualifications. 8. The persons eligible for election as Mayor and Aldermen shall be natural born or naturalized subjects of His Majesty, and males of the age of twenty-one years, able to read and write, not subject to any disqualification under this Act, and shall be resident within the City, and the owners, respectively, at the time of the election, of freehold property rated in their own names respectively, on the last revised assessment roll of the City to at least the value of five hundred dollars over and above all incumbrances against the same. (Sec. 51, Municipal Act.)

Property qualifications.

Disqualified persons. 9. No Judge of any Court of civil jurisdiction, no gaoler or keeper of any house of correction, no sheriff, deputy-sheriff, sheriff's bailiff or constable, no assessor, collector, treasurer, clerk or other paid official of the City, no barrister of any County Court, no Deputy Clerk of the Crown, no person licensed to sell spirituous liquors, and no person whose wife holds such license, no inspector of licenses, no person having by himself or his partner any interest in any contract with or on behalf or owing to the City, except for the current year's taxes, and no surety for an officer or employee of the City, and no person who shall have been convicted in any Court of law within His Majesty's dominions of any indictable offence, upon conviction of which offence a person is liable to imprisonment for five years, shall be qualified to be a member of the Council of the City. (Sec. 52, Municipal Act.)

Shareholders in incorporated companies dealing with Council not disqualified. 10. No person shall be held to be disqualified from being elected a member of the Council of the City by reason of his being a shareholder in any incorporated company having dealings or contracts with the Council of the City,

Controller 21 to Ed 24 Sep 90 Dec 26 1996)

in the case of Mayor and Controller two thousand dollars and in the
case of Alderman

202 2d St Sep 90 Dec 26 1996

12. The right of voting for municipal elections held in the city shall be enjoyed by the following persons, being male or female, and subjects of His Majesty by birth or naturalization, of the full age of twenty-one years, and having received no reward, and having no expectation of reward, for voting, and consisting of all persons, whether resident or not.—

(a) Who are in their own right at the date of the election, freeholders of the city, rated in the last revised general assessment roll for at least two hundred dollars,

(b) Who are assessed in their own names in the last revised business assessment roll, and who are not entitled to vote in the same ward under clause (a)

(c) All persons who are registered by the assessment commissioner as hereinafter provided.

12a. All persons who have any estate or interest in real estate, whether as tenants or otherwise, of the annual rental value of at least \$100, and who are not entitled to vote in the ward in which the said real estate is situated under either of sub-sections (a) or (b) of the next preceding section, shall be entitled to have their names registered as voters as hereinafter provided.

12a. For the purpose of registering the votes of the persons entitled under the next preceding section the assessment commissioner, together with such other persons who shall be appointed for that purpose by writing under the hand of the mayor and assessment commissioner, shall be called and deemed to be the "registration clerks" and shall each have power to administer all oaths and take all statutory declarations necessary for the purpose, and shall for this purpose always be present and ready to register voters at all times, at such places as may by by-law be designated by the council and being not less than one of such places in each ward, for the week beginning with the first Monday after the first day of June, during each day of the week from 9 o'clock in the morning to 9 o'clock at night. The assessment commissioner shall be the chief officer, and the other registration clerks shall be deemed his deputies and shall be subject to his direction, but shall have full power as registration clerks.

12c. For at least one week prior to the time when the registration shall take place notice thereof shall be given in at least two newspapers published in the City of Winnipeg.

12d. Any person entitled to be registered as a voter as herein provided may appear personally before the registration clerk then presiding, and upon making a statutory declaration setting forth (1) that he is a British subject, (2) that he is over the age of twenty-one years, (3) his occupation and address; (4) the monthly or annual rent paid or a description of and a statement of his interest in the real property upon which he claims the right to vote; (5) the locality or polling division in which the property is situated, (6) that he has had the interest claimed in that real estate for at least six weeks before that day, (7) that he has continuously resided in the City of Winnipeg for at least six months before the date of this application for registration, and upon taking and subscribing to that statutory declaration he shall be entitled to be registered and shall be entered and registered as a voter.

12e. The statutory declaration above referred to shall be on printed forms and shall be bound in books, and shall be numbered consecutively in the books, and it shall be the duty of the assessment commissioner to take care of and preserve these books. The registration clerks shall register those voters in separate lists for each of the wards of the city, and in the lists there shall be columns for the following information. (1) The number and the book of the statutory declaration; (2) the name of voter; (3) his occupation; (4) his place of residence. And it shall be the duty of the presiding registration clerk to enter and register the name of the voter in the proper list and to fill up all the columns as above required, when the voter has subscribed to the statutory declaration above referred to. If any person, who claims to be entitled to be registered as a voter, is unable to attend before the registration clerk for the purpose of registering his vote, because of illness or unavoidable absence from the city (the cause of proving which, to the satisfaction of the registration clerk, shall be upon the applicant), any person representing him may, by statutory declaration or declarations, put in the proof required for registration under this Act, all of which proof shall be to the satisfaction of the registration clerk, and upon the production of such satisfactory proof, within the time limited for registration, the registration clerk shall register such applicant and voter. Immediately after completion of the lists the assessment commissioner shall sign his name at the end of each thereof in such a manner that no more names can be entered thereon, and he shall put the date of such signing thereon.

or by having a lease, of twenty-one years or upwards, of any property from the Corporation, but no such leaseholder shall vote in the Council, on any question affecting any lease from the Corporation, and no such shareholder on any question affecting the company, and no such person shall be held to be disqualified because of his having a contract with the City for the use of electric power or lighting, or for the use of water from the water works system of the City, or because of his being indebted to the City on account of electricity or water furnished him by the City. (Sec. 53, Municipal Act.)

Term of
City property
not
disqualified.

Lease of water
from City
water works
not
disqualified.

11 When any person, being a member of the Council of the City, is or becomes, whilst holding office, directly or indirectly, a party to or interested in any contract with or on behalf of the City, except as in the next proceeding section provided, such person shall be liable *ipso facto* to forfeit his seat and, upon conviction by any Justice of the Peace, to a penalty of not less than fifty dollars nor more than one hundred dollars and costs and, in default of payment, to imprisonment for a space of not less than fifteen and not more than thirty days. (Sec. 54, Municipal Act.)

Penalty for
members of
Council
having deal-
ings there-
with.

ELECTIONS

THE RIGHT TO VOTE

~~12 Subject to the following four sections: The right of voting for municipal elections had in the City shall belong to the following persons, being male or female and subjects of His Majesty, by birth or naturalization of the full age of twenty-one years, and having received no reward and having no expectation of reward for voting, and consisting of all persons, whether resident or not, who are in their own right, at the date of the census, freeholders of the City, rated in the assessment roll for at least one hundred dollars, or leaseholders or tenants of real property rated as aforesaid for at least one hundred dollars.~~

Qualification
of electors.

Provisions

Repealed by 517 Ed. M. Cap. 48, Sec. 79, see new Sec. 48.

13 No person shall be entitled to vote at any election unless he or she is one of the persons named, or purporting to be named, in the proper list of electors; and no question of qualification shall be raised at any election, except to ascertain whether the person tendering his or her vote is the same person as is intended to be designated in the list of electors.

Person must
be named in
list of electors.

No question of
qualification
to be raised.

If owner and
occupant
separately rated
both to be
deemed rated.

~~14. In case both the owner and occupant of any real property are rated separately but not jointly therefor, both shall be deemed rated within the Act. (Sec. 66, Municipal Act.)~~

Where joint
owners and
occupants
rated, rating
to be equally
divided.

~~15. Where real property is owned or occupied jointly by two or more persons, one is rated at an amount sufficient, if equally divided between them, to give a qualification to each, then each shall be deemed rated within this Act, otherwise none of them shall be deemed so rated. (Sec. 67, Municipal Act.)~~

"Tenant"
defined.

~~16. Every occupant of a separate portion of a house shall be deemed a tenant within this Act. A boarder or lodger shall not be deemed a tenant within this Act. (Sec. 68, Municipal Act.)~~

Persons
disqualified as
electors.

~~17. The following persons shall not be entitled to be electors or to vote:—~~

~~(a) Persons having been convicted of any indictable offence, upon conviction of which offence a person is liable to imprisonment for five years.~~

~~(b) Aliens.~~

~~(Sec. 69, Municipal Act.)~~

TIME AND PLACE OF HOLDING.

Elections to be
held annually
for members of
Council.

Terms of
office.

~~18. The electors of the City shall elect annually, on the second Tuesday in December or in case of the same being a holiday, on the next day thereafter which is not a holiday, the members of the Council of the City, except such members as have been elected at the nomination, and the persons so elected shall hold office until their successors are elected and sworn into office, and the new Council is organized.~~

~~(a) Provided that one Alderman shall be elected each year for each ward, for a term of two years, as such term of two years expires, and in case any alderman dies, or vacates or forfeits his seat before the expiration of his term, his successor shall hold the seat for the remainder of the term. (Sec. 70, Municipal Act.)~~

Place for holding
elections.

~~19. The Council shall, from time to time by by-law, appoint the place or places for holding the next ensuing election, otherwise the election shall be held at the place or places at which the last annual election for the City was held. (Sec. 71, Municipal Act.)~~

Where real property assessed in names of two or more persons.

14. Where real property is owned by two or more persons, and is assessed in their names for an amount sufficient, if equally divided between them, to give a qualification to each, then each of them shall be deemed to be assessed within this Act, otherwise none of them shall be deemed to be assessed for voting purposes.

Business assessment of two or more persons together.

15. Where two or more persons are named and assessed in the business assessment roll and the amount of the assessment is a sum sufficient, if divided equally between them, to give a qualification to each of them, then each shall be deemed to be assessed so as to permit of their being upon the voters' list, otherwise none of them shall be hereby qualified.

Qualification of joint tenants.

16. Where two or more persons have an interest in real estate, whether as tenants or otherwise, and would be otherwise entitled to registration as voters under this Act and where the property is assessed in the general assessment roll for an amount sufficient, if equally divided between them to give a qualification to each, then each of them shall be entitled to be registered as a voter, otherwise none of them shall be so entitled.

Tenants of separate portions of house entitled

17. Every tenant of a separate portion of a house shall be deemed to have such interest therein as will entitle him to registration as a voter, if otherwise qualified, but a mere lodger shall not be deemed to have such right.

Application to females

17a. The preceding sections of this Act shall be deemed to apply to females as well as males, but a man and his wife shall not both be permitted to qualify for registration upon the same property

647 Ed. 4th. Cap. 48 Sec. 40 (1907)

20. The elections shall be held in the City of Winnipeg, and no such election shall be held in a tavern or in a house of public entertainment licensed to sell spirituous or fermented liquors. (Secs. 72 and 73, Municipal Act.)

Elections to be held within the City.

ELECTION OFFICERS.

21. The Clerk shall be the returning officer for the whole City, and in the case of his being unable to act, the Council may, as by law, appoint some other person to be returning officer in his place, subject, however, to the provisions hereinafter made as to the appointment of a chairman at the nomination, who shall be the returning officer. (Sec. 74, Municipal Act.)

Clerk to be returning officer. If unable to act Council to appoint another person.

22. The returning officer shall appoint deputy returning officers, who shall preside at the respective polling places in case a poll is required, and the returning officer may himself act in place of such deputy returning officer at a polling subdivision. (Sec. 75, Municipal Act.)

Deputy ret. returng officers to be appointed. Returning officer may act at.

23. The deputy returning officers shall make the returns for their respective polling subdivisions to the returning officer. (Sec. 76, Municipal Act.)

Returns to be made to returning officer.

24. In case, at the time appointed for holding a nomination or poll, the returning officer or the person appointed in his place, or the deputy returning officer, has died, or does not attend to hold the nomination or poll within an hour after the time appointed, or in case no deputy returning officer has been appointed, the electors present at the time and place for holding the nomination or poll may choose from amongst themselves a returning officer or deputy returning officer (as the case may be), and such returning officer or deputy returning officer shall have all the powers, and shall forthwith proceed to hold the nomination or poll and perform all the other duties of a returning officer or deputy returning officer. (Sec. 79, Municipal Act.)

Death or absence of returning officer provided for.

25. A poll clerk may, in the discretion of the Council, be appointed for any polling subdivision, and, in case a poll clerk be so appointed, he may, under the direction of the deputy returning officer, perform any of the duties assigned to the deputy returning officer. (Sec. 80, Municipal Act.)

Poll clerk may be appointed.

26. The returning officer and deputy returning officers shall, during the days of the election, or of the voting of electors upon a by-law, act as conservators of the peace, and such returning officer or any deputy returning officer, or any justice of the peace, may cause to be arrested, and may

Returning officer and deputy returning officers to act as conservators of the peace.

Their powers. summarily try and punish by fine of not more than fifty dollars, or imprisonment not exceeding three months, or both, or may imprison or bind over to keep the peace or for trial, any riotous or disorderly person who assaults, beats, molests, or threatens any voter coming to, remaining at, or going from, the election or voting, and when thereto required all constables and persons present at the election or voting shall assist the returning officer or deputy returning officer or justice of the peace. (Sec. 81, Municipal Act.)

Special constables may be appointed.

27 The returning officer, deputy returning officer or a justice of the peace, may appoint and swear in any number of special constables to assist in the preservation of the peace or of order at an election or at the voting of electors upon a by-law, and any person liable to serve as constable, and required to be sworn in as a special constable by a returning officer, deputy returning officer or justice of the peace, shall, if he refuses to be sworn in or to serve, be liable to a penalty of twenty dollars, to be recovered to the use of anyone who will sue therefor. (Sec. 82, Municipal Act.)

Penalty for refusal to serve.

NOMINATION.

Nomination of candidates.

28. A meeting of electors shall be held for the nomination of candidates for Mayor and for aldermen at the last place of meeting of the Council or at such other place as the Council, by by-law, shall lawfully appoint, on the first Tuesday in December in each year (provided the day is not a holiday, in which case it shall take place the next day), at twelve o'clock noon, at which nominations for the office of Mayor and for aldermen for the City for the several wards thereof shall be made. (Sec. 83, Municipal Act.)

Notice of meeting to be given.

29 At least ten days' notice of such meeting for nomination shall be previously given, by the clerk, or the returning officer appointed by the Council posting up a notice in that behalf in his office, and in the general postoffice of said City. (Sec. 84, Municipal Act.)

Clerk to preside at election.

30. The clerk shall be the returning officer to preside at such meeting, or, in case of his absence or inability, the Council shall appoint a person to preside in his place, and, if the clerk or person appointed by the Council do not attend, the electors present shall choose a chairman or person from among themselves to officiate; and such chairman shall have all the powers of a returning officer and shall be returning officer for such election. (Sec. 85, Municipal Act.)

Nominations how made.

31. The time for receiving nominations shall be between the hours of twelve o'clock noon and one o'clock in the after-

room, and all nominations shall be made in writing by a proposer and seconder, who shall be duly qualified electors of the City, and one of whom, in case of a nomination of alderman, shall be an elector of the ward for which such nomination shall be made, and which nomination in writing shall be accompanied by a written acceptance thereof by the candidate named in such nomination, and no one person shall nominate more than the required number of candidates. (Sec. 84, Municipal Act.)

32. If only one candidate for the office of Mayor has been nominated within the time limited, the returning officer or chairman shall declare such candidate duly elected Mayor, and if only the required number of candidates for the office of aldermen have been nominated within the time aforesaid for any of the wards, the returning officer or chairman shall declare such candidates duly elected aldermen. (Sec. 87, Municipal Act.)

Provision made when only required number of candidates nominated

33. If more candidates be nominated for the office of Mayor or for aldermen than are required to be elected under this Act, the returning officer or chairman shall announce the same and make known to the electors present the time and place or places when and where the poll or polls will be opened for the taking of the votes for the candidates nominated and he shall thereafter by proclamation posted up in the office of the City Clerk and in two or more conspicuous places within the City, within two days after the nomination, make known to the electors the names of the candidates nominated and the said time and place or places when and where the poll or polls will be opened for taking of the votes for the candidates nominated, which time shall be one week from the day of such nomination, commencing at the hour of nine o'clock in the forenoon and closing at eight o'clock in the afternoon of the same day. Provided that, whenever more than the required number of candidates are nominated, any one of them may, before two o'clock on the day following the nomination day, tender his resignation which will be accepted by the returning officer when a sufficient number of them remain for election, and in that event the returning officer shall then declare any unopposed candidate elected or proceed to the polls as if such resigning candidate had not been nominated. (Secs. 88 and 89, Municipal Act.)

Provision made when poll required

Names of candidates to be posted up

Time to take votes between nomination and election. Hours of polling

Resignation of candidate

BALLOT BOXES.

34. Where a poll is required, the returning officer shall procure, or cause to be procured, at the expense of the City, as many boxes (hereinafter called ballot boxes) as there are

Ballot boxes to be furnished

polling subdivisions within the City (Sec. 90, Municipal Act.)

How made.

35. The ballot boxes shall be made of some durable material, shall be provided with a lock and key, and shall be so constructed that the ballot paper can be introduced therein, and cannot be withdrawn therefrom unless the box be unlocked. (Sec. 91, Municipal Act.)

Delivery to deputy returning officer.

36. When it becomes necessary for the purposes of an election to use the ballot boxes, it shall be the duty of the returning officer, two days at least before the polling day, to deliver one of the ballot boxes to every deputy returning officer appointed for the purposes of the election. (Sec. 92, Municipal Act.)

Clerk to preserve ballot boxes for future elections.

37. The ballot boxes, when returned to the returning officer after the election, shall be preserved by the clerk for use at elections for the City and it shall be the duty of the returning officer to have ready for use, at all times, as many ballot boxes as there are wards or polling subdivisions in the City. (Sec. 93, Municipal Act.)

Penalty for failure to furnish boxes.

38. If the returning officer fails to furnish ballot boxes in the manner herein provided, he shall incur a penalty of one hundred dollars in respect of every ballot box which he has failed to furnish in the manner prescribed. (Sec. 94, Municipal Act.)

Deputy returning officers to procure boxes when not furnished.

39. It shall be the duty of the deputy returning officer, in every polling subdivision not supplied with a ballot box within the time prescribed, forthwith to procure one to be made, and he may issue his order upon the treasurer for the cost of the ballot box, and the treasurer shall pay to the deputy returning officer the amount of the order. (Sec. 95, Municipal Act.)

BALLOT PAPERS.

Ballot papers to be printed.

40. When a poll is required, the returning officer shall forthwith cause to be printed at the expense of the City, such a number of ballot papers as will be sufficient for the purposes of the election. (Sec. 97, Municipal Act.)

Contents of ballot papers.

41. Every ballot paper shall contain the names of the duly nominated candidates, arranged alphabetically in the order of their surnames or if there be two or more candidates with the same surname, then in the order of their other names. (Sec. 98, Municipal Act.)

42 The names of the candidates for Mayor shall not be included in the same ballot paper with the names of the candidates for aldermen, but one kind or set of ballot papers shall be prepared for all the polling subdivisions, containing the names of the candidates for Mayor, and another kind or set shall be prepared for each polling subdivision containing the names of the candidates for aldermen in the ward of which the polling subdivision is a part. (Sec. 99, Municipal Act.)

Different sets of ballot papers to be prepared for Mayor and Aldermen

43 The ballot papers shall be in the form in Schedule A to this Act. (Sec. 100, Municipal Act.)

Form of ballot papers.

FURTHER PRELIMINARY PROCEEDINGS.

44 The returning officer shall, before the opening of the poll, deliver or cause to be delivered to every deputy returning officer the ballot papers which have been prepared for use in the polling subdivision for which such deputy returning officer has been appointed to act, and he shall also furnish to the deputy returning officer, or see that he is furnished with, the necessary materials for voters to mark the ballot papers, and such materials shall be kept at the polling place by the deputy returning officer for the convenient use of voters. (Sec. 101, Municipal Act.)

Returning officer to furnish deputy returning officer with ballot papers, etc.

45 Every polling place shall be furnished with a compartment in which the voters can mark their votes screened from observation, and it shall be the duty of the returning officer and deputy returning officers, respectively, to see that a proper compartment for that purpose is provided at each polling place. (Sec. 102, Municipal Act.)

Compartment wherein voters may mark votes

46 The returning officer shall, before the opening of the poll, deliver or cause to be delivered to every deputy returning officer such number of printed directions for the guidance of voters in voting as he may deem sufficient, and shall deliver or cause to be so delivered at least five copies of such printed directions, such directions shall be printed in conspicuous characters, and may be according to the form in Schedule B to this Act. (Sec. 103, Municipal Act.)

Returning officer to furnish Deputy Returning Officer with directions for guidance of voters.

47 Every deputy returning officer shall, before the opening of the poll, or immediately after he has received the printed directions from the returning officer, if he did not receive the same before the opening of the poll, cause the printed directions to be placarded outside the polling place for which he is appointed to act, and also in every compartment of the polling place, and shall see that they remain so placarded until the close of the polling. (Sec. 104, Municipal Act.)

Deputy returning officer to placard directions.

Poll books.

48. It shall be the duty of the returning officer in all cases to furnish each deputy returning officer with a suitable poll book in which to enter the names of all persons applying to vote, and record whether such persons vote for Mayor or Aldermen or both and as to their voting for school trustees, and whether such persons are objected to or sworn and by whom, and, if objected to, whether such persons vote or not. It shall be the duty of each deputy returning officer to properly keep such poll book. (Sec. 105, Municipal Act.)

LIST OF ELECTORS.

What list of electors shall be used.

49. The proper list of electors to be used at an election shall be the last revised list of electors, and the returning officer shall deliver to the deputy returning officer, for every polling subdivision, a true copy certified to by the Assessment Commissioner of said last revised list of electors for such polling subdivision. (Sec. 106, Municipal Act.)

Assessment Commissioner shall make list.

~~50. The Assessment Commissioner shall, immediately after the final revision and correction of the assessment roll in every year, make a correct alphabetical list of all persons being of the age of twenty-one years, and subjects of His Majesty by birth or naturalization, and appearing by the assessment roll to be entitled to vote in the City, at elections therefore, prefixing to the name of each person his number upon the roll. (Sec. 3, Municipal Electors' Act.)~~

(1907) see on fly leaf

Form of list.

~~51. The said list shall give the names of the electors in each polling subdivision in the City separately, and a list shall be made for each of such subdivisions, and shall be in the form of Schedule C to this Act, so nearly as may be. (Sec. 4, Municipal Electors' Act.)~~

(1907) see on fly leaf

Electors on real estate qualification.

~~52. The Assessment Commissioner shall, opposite the name of the person, insert in the proper column of the list the number of the lot or other proper description of the real property in respect of which such person is qualified. (Sec. 5, Municipal Electors' Act.)~~

(1907) see on fly leaf

When roll understood to be finally revised.

53. The assessment roll shall be understood to be finally revised and corrected when it has been so revised and corrected by the Court of Revision for the City, or by the Judge of the County Court, in case of an appeal, as herein-after provided for, or when the time during which such appeal may be made has elapsed, and not before. (Sec. 8, Municipal Electors' Act.)

54. Immediately after the completion and printing of the said lists the assessment commissioner shall cause copies thereof to be posted up and to be kept posted up in a conspicuous place in his own office, and shall deliver another set of copies thereof to the city clerk to be by him posted up in his office, and deliver or transmit by post four sets of such copies to a Judge of the County Court of Winnipeg, and two sets of said copies to the mayor and each controller and alderman and to each defeated candidate at the next election for mayor, controller or alderman.

617 Ed. Rev. Cap 48 Sec 42 (1907)

—54. Immediately after the Assessment Commissioner has ^{putting up} made the alphabetical list, and within forty-five days ^{there} after the first revision and correction of the assessment roll, the Assessment Commissioner shall forthwith cause a copy of said list to be posted up, and to be kept posted up in a conspicuous place in his own office, and that of the City Clerk, and deliver or transmit by post, by letter, or by parcel or book post, four of such copies to the Judge of the County Court of Winnipeg; and two of said copies to the Mayor and each alderman, and to each defeated candidate at the last election for Mayor or alderman. Such list of electors shall be printed, and a blank page shall be left at the end of said list for the purpose of having written thereon, or attached thereto, any certificate and statement that may be required to be appended or attached to the list upon or after the revision thereof. (Secs 9, 10 and 11, Municipal Electors' Act.)

List to be printed.

1907) Dec 26, 1907

—55. Upon all copies of said list shall be a certificate ^{Certificate of} over the name of the Assessment Commissioner in the following form, or to the like effect:— ^{Assessment Commissioner}

I, A. B., Assessment Commissioner of the City of Winnipeg, do hereby certify that the within is a correct list for the year 19... of all persons appearing by the last revised assessment roll of the said City to be entitled to vote at municipal elections in said City, and I hereby call upon all persons to examine the said list, and, if any omissions or other errors are perceived therein, to take immediate proceedings to have the said errors corrected according to law.

Dated this _____ day of _____ A.D. 19__

A. B.,

Assessment Commissioner of the City of Winnipeg.

The date of such certificate shall be the date on which ^{Date of} the Assessment Commissioner first puts up such list in his office, as hereinbefore provided. (Sec. 12, Municipal Electors' Act.) ^{certificate}

—56. There shall also be printed or written upon each copy ^{a address on} of said list, the name and post office address of the Mayor, ^{each copy of} Clerk, Treasurer, Assessment Commissioner, and Collector ^{printed list} of the City respectively; and the name and address of the Judge of the County Court of Winnipeg. (Sec. 13, Municipal Electors' Act.)

Repealed in 1910

—57. The Assessment Commissioner, after retaining for ^{Safe of copies} use in his office, and for purposes of revision and correction, as many copies of said list as he may deem necessary, shall

deliver to the City Clerk the remaining copies, and the City Clerk may sell and dispose of any such copies before or after revision to any parties not entitled under this Act to receive them gratis, at a price not exceeding twenty-five cents for each copy. (Sec. 14, Municipal Electors' Act.)

REVISION OF LISTS.

Revision by
County Judge.

58. The said list of electors shall be subject to revision by a Judge of the County Court of the judicial division in which the City is situate, at the instance of any person entitled to vote in the City for which the list is made, on the ground of the names of electors being omitted from the list or being wrongly stated therein, or of names of persons being inserted on the list who are not entitled to vote, or for mis-description of property, or for other alleged error which might affect the question of voting ~~and upon such revision the assessment roll shall not be conclusive evidence in regard to any particular whether the matter on which the right to vote depends had or had not been brought before the Court of Revision or not or had not been determined by that Court, and the decision of the Judge under this Act in regard to the right of any person to vote shall be final as regards such person.~~ (Sec. 15, Municipal Electors' Act.)

140 See also s. 1, 120.

Complaints
and appeals.

59. A complaint or appeal may be made on the ground of any person whose name is entered on the list being one of those who are disqualified or incompetent to vote under the provisions of this Act, and may be in the following form:—

Form.

To the Assessment Commissioner of the City of Winnipeg.

I, _____, a person entitled to vote in the said City, complain that the name _____ is wrongfully entered in the list of electors for the said City, he being a person disqualified under the provisions of this Act.

And take notice that I intend to apply to the Judge in respect thereof, in pursuance of the statute in that behalf.

Dated this _____ day of _____ A.D. 19 _____

(Signed)

_____,

(Sec. 16, Municipal Electors' Act.)

Notice of
complaint.

60. Any elector or person entitled to be an elector making any complaint of any error or omission in the said list shall, within thirty days after the date of the certificate, as provided in section 55, give to the Assessment Commis-

Duties of
Judge on final
revision of
voters list

And upon such revision the assessment roll shall be conclusive evidence as to the names of the parties assessed and the amount of the assessment and values therein set forth, and no person who claims the right to be on the voters' list as a registered voter shall be added to the list by the County Court Judge unless that person has either applied personally to the registration clerk for registration or an application has been made for him on the ground of illness or absence, and it shall be the duty of the County Court Judge to correct all errors of the assessment commissioner which are complained against. The Judge shall, however, strike off the names of all persons who appear to him to have been put on the list because of fraudulent declarations or oaths."

67 Ed. VI Cap 48 Sec. 44 (1907)

Granville born in the City N.H. Sept.

enter, or leave for him at his residence or place of business notice in writing of his complaint and intention to apply to the Judge in respect thereof and if the office of Assessment Commissioner is vacant by reason of death, resignation, or from any other cause, such notice may be given in like manner to the Mayor, and such notice shall be in the following form or a form to the like effect:—

To the Assessment Commissioner of the City of Winnipeg. Form of notice.

I, _____, a person entitled to be an elector for the said City, complain that _____ is entitled to be an elector in the said City, but is wrongfully omitted from the list of electors, or (as the case may be), that _____ is wrongfully named in said list, and should be named _____; or (as the case may be), the name of _____ is wrongfully inserted in the list of electors, or (as the case may be), there are errors in the description of the property in respect to which the name of _____ is entered on the list of electors.

And take notice that I intend to apply to the Judge in respect of the above pursuant to "The Winnipeg Charter."

The grounds of my appeal are as follows. [*State grounds of appeal shortly and concisely.*]

Dated this _____ day of _____ A.D. 19____

Residence,

61 If the notice is given to or left at his office for the Mayor he shall perform, or cause to be performed, such necessary acts as should be performed by the Assessment Commissioner. (Sec. 19, Municipal Electors' Act.) Notice left with the Mayor.

62 So soon as the time limited for notices of appeal shall have elapsed, the Assessment Commissioner of the City shall, in case any notices of appeal have been received, forthwith apply to the Judge of the County Court for the district or division to fix a time and place for hearing said appeals. (Sec. 20, Municipal Electors' Act.) Assessment Commissioner to apply to Judge for appointment.

63 Upon receipt of such application the Judge shall fix a convenient time and place for the hearing of said appeal, and forthwith notify the Assessment Commissioner thereof. The place for hearing said appeals shall be in the City ~~Council Chamber~~. The day for hearing such appeals shall be fixed so that the Assessment Commissioner may have time to deposit in the post office a letter addressed to each person appealing, notifying him of such day or to notify such per- Judge to fix time and place in hear appeals.

son personally of such day ten clear days before the day fixed for hearing the said appeals. (Sec. 21, Municipal Electors' Act.)

Assessment Commissioner to produce assessment roll and minutes.

~~64. The Assessment Commissioner shall produce at such Court the original assessment roll and minutes of the Court of Revision of the assessment roll for each year. (Sec. 22, Municipal Electors' Act.)~~

Persons after completion of roll may apply to be placed thereon.

~~65. If any person named as an elector in the said list has, before the time for filing notice of appeal as aforesaid, with the Assessment Commissioner has expired, parted with the property in respect of which his name was entered in the list, the person to whom he has transferred the property shall be entitled to apply to the Judge to be entered on the list instead of the person originally named therein, and the person who has parted with such property may, upon giving the notice to the Assessment Commissioner required by the next section of this Act, at least three days before the sitting of the Court hereinafter referred to, apply to the Judge to be entered on the list in respect of any other property which he may have acquired in the City and for which he has not been assessed, and the proceedings to be taken in such case shall be the same as in case of appeal under this Act. (Sec. 23, Municipal Electors' Act.)~~

Form of notice by such person.

~~66. The form of notice that may be used by a person to whom assessed property has been transferred, and who claims to be entitled to vote thereon, shall be as follows, or to the like effect:—~~

To the Assessment Commissioner of the City of Winnipeg

I, _____, a person entitled to be an elector in the said City, explain that the name of _____, inserted in the list of electors for the said City, should be stricken therefrom, in having before the date of this notice and since the passing and execution of the assessment roll by the Court of Revision, transferred to me the property in respect to which his name is entered on the said list, or "parted with the property in respect to which his name is entered on the list of electors, and that I am in possession of the same". And then notice that I intend to apply to the Judge to have my name entered on the said list, instead of the name of the said _____, pursuant to the provisions of the statute in that behalf.—

Dated the _____ day of _____

— A.D. 18—

(Signed) —

(Sec. 24, Municipal Electors' Act.)

What is to be
produced
before court
of revision.

64. The assessment commissioner shall produce at such court the original assessment rolls and minutes of the court of revision of the assessment roll for such year, together with the original lists of registered voters provided for in section 122 of this Act.

657 Ed. in Conf. at Jan 40 (1907)

Noticed in
public court
pleaded
negatives

68. The assessment commissioner shall give notice in writing by mail or otherwise to the party or parties complained against, setting forth in the notice in brief terms the nature of the complaint and the place, day and hour when the Judge will sit for hearing the complaints.

687 Ed. Vol. Chap. 48 Sec 487 (1907)

~~57. Upon receipt of the notice from the Judge the Assessment Commissioner shall post up in his office the following notices:—~~

Assessment Commissioner or a notice of sitting of court of revision.

~~Notice is hereby given, that a Court will be held, pursuant Form to "The Winnipeg Charter," at on the _____ day of _____ 19____, at _____ o'clock, in the _____ noon, for the purpose of hearing all complaints made against the list of electors of the City of Winnipeg for 19____.~~

~~All persons having business at the said Court are hereby required to attend at the said time and place.~~

~~Dated this _____ day of _____ A. D. 19____.~~

~~A. B.,~~

~~Assessment Commissioner of said City~~

Deposited in 1907

~~58. The Assessment Commissioner shall also cause to be inserted in a newspaper published in the City the notice following:—~~

Notice to be published.

~~Notice is hereby given, that a Court will be held, pursuant Form to "The Winnipeg Charter," by His Honour the Judge of the County Court of Winnipeg, at the Council Chamber, on the _____ day of _____ 19____, at _____ o'clock in the _____ noon, to hear and determine the several complaints of errors and omissions in the list of electors of the said City for 19____.~~

Unrecorded as in Stat

~~All persons having business at the said Court are required to attend at the said time and place.~~

~~Dated this _____ day of _____ A. D. 19____.~~

~~A. B.,~~

~~Assessment Commissioner of the said City.~~

~~59. The said Assessment Commissioner shall also give notice in writing, by mail or otherwise, to the party or parties complained against, in the following form:—~~

Notice by mail, etc. to persons complained against.

~~You are hereby notified that, pursuant to the statute in Form that behalf, a Court for the revision of the list of electors for 19____, for the City of Winnipeg, will be held by the Judge (or acting Judge) of the County Court of Winnipeg on the _____ day of _____ 19____, at _____ o'clock, in the _____ noon, at the City Council Chamber, and you are required to appear at the said Court, for that has complained that your name be stricken from the said list of electors, "because," etc., (state matter of complaint concisely.)~~

~~Take notice, that the Judge may proceed to hear and determine the said complaint, whether you appear or not.~~

~~By order of His Honour the Judge of the said County Court,~~

~~40~~

~~Entered on said list of electors.~~

A. B.,

~~Assessment Commissioner of the said City and Clerk of the said Court.~~

How notices may be given.

70. The notices mentioned in the foregoing section of this Act shall be served on the parties or mailed to them by the said Assessment Commissioner ten clear days before the day appointed by the Judge for holding the Court. (Sec. 25, Municipal Electors' Act.)

Complaints dying or abandoning complaint.

71. If any appellant or complainant entitled to appeal, dies or abandons his appeal or complaint, or having been on the alphabetical list made and posted by the Assessment Commissioner as aforesaid, afterwards found not to be entitled to be an appellant, the Judge may, if he thinks proper, allow any other person who might have been an appellant or applicant to intervene and prosecute such appeal or complaint, upon such terms as the Judge may think just. (Sec. 26, Municipal Electors' Act.)

Persons entitled at the age of 21 within 60 days.

72. Any person who is rated, or liable to be rated, on the assessment roll, for real property, and who will be of the age of twenty-one years at any time within sixty days from the final revision and correction of the assessment roll, shall be entitled to apply to the Judge to have his name entered upon the list of electors or upon the assessment roll and list of electors, as the case may require. Provided he shall have given the notice of appeal as required and within the time specified by section 60 of this Act. (Sec. 27, Municipal Electors' Act.)

Repealed in 70

Attendance of witnesses.

73. Any party may obtain from the County Court of the district wherein the City is situate, a subpoena, or from a Judge thereof an order, requiring the attendance at the Court for hearing complaints as aforesaid, at the time mentioned in such subpoena or order, of a witness residing or served with such subpoena or order in any part of this Province, and requiring any such witness to bring with him and produce at the Court any papers or documents men-

tioned in the subpoena or order; and every witness served with such subpoena or order, in the manner in which a subpoena may be served in a suit in the County Court, shall obey the same; provided the allowance for his expenses, according to the scale allowed in County Courts, is tendered to him at the time of service. (Sec. 28, Municipal Electors' Act.)

74. Any person complaining, or any person in respect of the insertion or omission of whose name a complaint is made, shall, if resident within the City, upon being served with a subpoena or order therein, in the manner in which a subpoena may be served in a suit in the County Court, obey the same without being tendered or paid any allowance for his expenses. (Sec. 29, Municipal Electors' Act.)

75. The following may be the form of subpoena which may be issued under the last two preceding sections, and any number of names may be inserted in one subpoena or Judge's order in any case of complaint.

MANITOBA
City of Winnipeg
To WIT

EDWARD, by the Grace of God, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, Defender of the Faith

To

GREETING.

We command you that, all excuses being laid aside, you be and appear in your proper person before our Judge of our County Court of Winnipeg, on the day of 19 , at o'clock in the noon, at the City Council Chamber, at a Court there and then to be held, for hearing complaints of errors in the list of electors for 19 , of the City of Winnipeg, and for revision of the said list of electors , then and there to testify to, all and singular, those things which you know in a certain matter (or matters) of complaint made and now pending before the Judge, under "The Winnipeg Charter" wherein one

I, _____, Judge of the County Court of Winnipeg, pursuant to the provisions of "The Winnipeg Charter," do hereby certify that the above (as the case may be) is a correct copy of the list of electors for the year 19____, received by me from the Assessment Commissioner of the City of Winnipeg, according to my revision and correction thereof pursuant to the provisions of the said Charter.

Given under my hand and seal at the City of Winnipeg,
this _____ day of _____ A.D. 19____.

(Seal)

Judge, etc.

Judge to transmit copies to certain officers.

(77a. The Judge shall retain one of such certified copies and one statement, and shall deliver or transmit by post, registered, two of such certified copies and two of such statements to the clerk to be kept by him among the records of his office, one to the Assessment Commissioner and the remaining certified copy and statement to the Minister of Agriculture and Immigration. See 33. Municipal Electors' Act.)

Assessment Commissioner to apply for certificate when no complaints made.

78. In case no complaint respecting such list is received by the Assessment Commissioner within thirty days after he has posted up the said list in his office, the said Assessment Commissioner shall forthwith apply to the Judge to certify five copies of such list as being the revised list of electors for the City.

The application of the Assessment Commissioner shall be in writing and may be in the form following:

Form of Assessment Commissioner's application.

To the Judge of the County Court of Winnipeg.

I, _____, Assessment Commissioner of the City of Winnipeg, do hereby certify as follows:

That I did, on the _____ day of _____ 19____, post up, and, for a period of thirty days next thereafter, keep posted up, in a conspicuous place in my office at the City of Winnipeg, a true and correct printed copy of the list of electors for the said City for 19____, made in pursuance of "The Winnipeg Charter" with the certificate required by section 55 of the said Charter indorsed thereon.

That I did also duly deliver and transmit by post, by letter, (or "by parcel post" or "by book post,") the required number of similar printed copies of the said list of electors, with my certificate indorsed, to each and all of the persons entitled to the same by said Charter.

**Certified
copies**

80. Any copy of the list of electors and of such certified statement of revision and correction, certified by the Clerk, under the seal of the City to be a true copy of the certified list of electors received by him from the Judge as aforesaid, or by any of the persons aforesaid, having legal custody of a Judge's certified copy of said list, to be a true copy of the list or other list of electors of the City as finally revised and corrected by the County Court Judge shall be taken and held to be *prima facie* a correct list of electors for the City of Winnipeg for the year in which it purports to have been made without any proof of the signature of such person so certifying such list, or of such seal. (Sec. 36, Municipal Electors' Act.)

**Powers of
Judge under
Act to list of
electors.**

81. In all proceedings before the Judge under this Act, the Judge shall have, with reference to the matters herein contained, all the powers which belong to or might be exercised by him in the County Court. (Sec. 37, Municipal Electors' Act.)

MISCELLANEOUS PROVISIONS.

**Constable or
bailiff's
duties and
fees**

82. The Judge shall have power to appoint some proper person to attend at the sittings of the Court as a constable or bailiff and the duties and powers of such person thereat shall be as nearly as may be the same as those of the bailiff of a County Court at a sitting of a County Court and in reference thereto, and the expenses of the person so appointed and attending shall be borne by the City and shall include such allowance for loss of time, trouble and travelling fees as may be certified by the Judge to be reasonable, and the amount certified by the Judge shall be paid to such person by the Treasurer of the City upon the production and deposit with him of the Judge's certificate. (Sec. 38, Municipal Electors' Act.)

**Duties of
Assessment
Commissioner**

83. The Assessment Commissioner shall be subject to the summary jurisdiction and control of the County Court Judge in respect of the performance of his duty under this Act, and in respect to every act required to be performed by such Assessment Commissioner touching the list of electors, in the same manner as officers of the County Court are to the Court.

**Assessment
Commissioner
entitled to no
extra compensation**

84. The Assessment Commissioner shall be entitled to no compensation for any work in connection with the making or revision of the list of electors. (Sec. 39, Municipal Electors' Act.)

**Where court
of revision to
be held**

85. The Court for the revision and correction of the list of electors shall be held in the Council Chamber in said City (Sec. 40, Municipal Electors' Act.)

commence here on the City Hall 40.

86. The Judge shall be paid, before delivering his report, the sum of five dollars for every day's actual, and necessary attendance on a sitting at such Court engaged in the revision of said lists and such plaintiff and all other charges not otherwise provided for, necessary to be incurred in connection with the acting and proper conduct of the business of the Court shall be paid by the Treasurer upon the certificate or voucher of the Judge as to the service performed, and in cases other than as to his own fees as to the nature of an allowance for the service performed. (Sec. 41, Municipal Electors' Act.)

Judge's fees and expenses.
The amount of charges and expenses.

87. In all disputed cases coming before said Judge in connection with the revision in correction of the said lists, and in all cases where an application is dismissed as being unavailing, or where the Judge shall consider that the grounds of the application are known, and that the purpose of such application might have been accomplished by application to the municipal clerk of the City otherwise than through the provisions of this Act, then, being told by said Judge and notwithstanding anything in this Act appearing to the contrary, the said Judge may order the applicant or other person in the position of the respondent and being a party interested in the application before the Court, or who has been made a party by the Court and has failed to appear after a notice has been given with the production of the Court, to pay a reasonable fee of five dollars and such reasonable costs, fines and costs, or either may be enforced by execution, or otherwise, as the former herein provided for the recovery of any penalty, fine or costs incurred or ordered to be paid under the provisions of this Act, but this clause shall not be held to limit the power of the Judge to deal with any application or matter coming before him in said Court in any other manner mentioned in this Act, and this clause may be read as supplementary to any other clause in the Act of a similar character whenever it can be properly construed as so intended. (Sec. 42 Municipal Electors' Act.)

Payment of costs.
Fines and costs.

88. If the Judge who holds a Court believes that frauds in respect to the assessment or lists of electors have prevailed in the City it shall be his duty to report the same to the Council, with such particulars as to names and facts as he may think proper. (Sec. 43. Municipal Electors' Act.)

Judge to report frauds (see, paragraph).

89. The Judge shall have power to amend any notice or other proceeding upon such terms as he may think proper. (Sec. 44, Municipal Electors' Act.)

Amendments.

90. In case of errors being found in the said list on the said revision thereof, whether such errors are in the

Costs payable by official.

through whose error their entry of names of persons not entitled to vote, if it appears to the Judge that the assessors, or either of them, were or was blamable for any of the said errors, the Judge shall order the assessors or assessor, either alone or jointly with any other person, to pay all costs occasioned by the same, and in case of errors for which the Assessment Commissioner was blamable, the Assessment Commissioner, either alone or jointly with any other person, shall be charged with the costs, and in case of errors of the Court of Revision, the City shall either alone or jointly with any other person, pay the costs, subject to any claim which the City may justly have against the guilty parties, or the Judge may order the assessor assessors, the Assessment Commissioner, or the City, in any such case to pay the costs, if any party fails to recover the same from any other party named and ordered to pay the same, and, in all cases not herein provided for, the costs shall be in the discretion of the Judge. (Sec 45, Municipal Electors' Act.)

91 The order of payment of such costs may be in the following form:—

*Form of order
for payment of
costs.*

In the matter of the list of electors for the City of Winnipeg for 19 , and of the complaint and appeal to the Judge of the County Court of Winnipeg, by A B., complaining of the name of C D. being wrong & inserted in the said list (or as the case may be, stating in brief the nature of the complaint)

On proceedings taken before me, pursuant to "The Winnipeg Charter," I find and adjudge that the name of the said C D. was rightly inserted in the said list, (or, "was wrongly inserted in the said list") and order that the said A B. do pay the said C D. his costs occasioned by the said complaint (or "and order the said C D. shall pay the said A B. his costs incident to the said complaint," or "and order that E F. the assessor assessors or Assessment Commissioner (as the case may be) of the said City, being blamable for such wrong insert or, do pay the said A B. his costs incident to such complaint," or, as the case may be, stating it in brief), said costs to be taxed pursuant to the said Charter

Dated at the City of Winnipeg this
A D 19

day of

County Court Judge.

(Sec 46, Municipal Electors' Act.)

92. No costs shall be allowed under any proceeding ^{Scale of costs.} under this Act, other or higher than would be allowed in the County Court (Sec. 47, Municipal Electors' Act.)

93. The only costs to which the appellant shall be liable ^{Appellant's costs.} shall be the hearing and witness fees, unless in a case of bad faith on his part (Sec. 48, Municipal Electors' Act.)

94. The payment of any costs ordered to be paid by the Judge may be enforced by an execution against goods and chattels, to be issued from the County Court of Winnipeg upon filing therein the order of the Judge, and an affidavit showing the amount at which such costs were taxed and the non-payment thereof (Sec. 49, Municipal Electors' Act.) ^{Execution for costs.}

95. The writ of execution may be in the following form:

Edward the Seventh, by the Grace of God, of the United ^{Form of writ.} Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, Defender of the Faith.

To the Bailiff of the County Court of Winnipeg

GREETING:

We command you that, of the goods and chattels in your bailiwick of C. D., you cause to be made

do., for certain costs which lately by an order of His Honour

the Judge of the said County Court, dated the day of _____, 19____, were ordered to be paid by said C. D. to A. B., as and for his costs sustained by him at the trial of a complaint against the list of electors of the City of Winnipeg for 19____, made and prosecuted under the provisions of "The Winnipeg Charter," which said costs have been taxed and allowed at the said sum as appears on record, we have said money before our Judge of our said Court at the City of Winnipeg immediately after the execution thereof and in what manner you shall have executed this our writ make appear to our Judge aforesaid at the said City of Winnipeg immediately after the execution thereof, and have you there and then this writ.

Witness, His Honour _____, Judge of our said County Court, at Winnipeg, the day of _____, in the year of our Lord, 19____

A. B.,

Clerk.

[Seal]
(Sub-Sec. (b) of Sec. 49 Municipal Electors' Act.)

His liability
to be liable for
taxes.

~~96. If any person not assessed, or not sufficiently assessed, is found entitled to vote, the City shall be entitled to recover taxes from him, and to enforce payment thereof, in the same manner and in the same manner as if he had been assessed on the roll for the amount found by the Judge, and the Judge shall make an order, setting forth the names of the persons so liable, and the sum for which each person should have been assessed, and the land or other property in respect of which the liability exists, and each order shall be transmitted to the Assessment Commissioner of the City, and shall have the same effect as if the said particulars had been inserted in the roll.~~

Repealed in 1901

Order for
assessment of
persons added.

~~97. The order for each assessment shall be in the following form:~~

~~In the matter of assessment for the year 19—, in the City of Winnipeg.~~

~~Two persons mentioned in the first column of the schedule following, not being assessed, or not being sufficiently assessed, on the assessment roll of the City of Winnipeg for the year 19—, and having been found entitled to vote, on proceedings taken before me, the Judge of the County Court of Winnipeg, under the Winnipeg Charter, in pursuance of the said Charter, it is adjudged that the said parties mentioned in the first column of the following schedules respectively, should have been assessed for the sums mentioned in the second column, respectively, opposite their respective names, in respect to the land or other property or qualification mentioned in the third column of said schedules, respectively, opposite the respective names of said parties, and it is ordered that the said parties shall be assessed accordingly.~~

~~Dated the ——— day of ———
A. D. 19—~~

County Court Judge

Repealed in 1901

SCHEDULE 1

Column 1.	Column 2.	Column 3.
Names of persons liable to have been assessed on the Assessment Roll for the City of Winnipeg for the year 1902, but not assessed.	Amount for which the same should have been assessed.	Property in respect to which the liability to assessment exists.

SCHEDULE 2

Column 1.	Column 2.	Column 3.
Names of persons not yet already assessed on the Assessment Roll for the City of Winnipeg for the year 1902.	Amount for which the same should be assessed in addition to the amount already on the Assessment Roll.	Property in respect to which the liability to assessment exists.

(Sec. 50, Municipal Electors' Act.)

98. The times appointed for the performances, by the Assessment Commissioner of the duties required of him by this Act, as to the list of electors, shall be directory only to the said Assessment Commissioner, and the non-performance by him of any of the said duties within the time appointed shall not render null, void or inoperative any of the Acts in this Act mentioned. (Sec. 51, Municipal Electors' Act.)

Provisions as to this directory only

Provision as
to original
revision of
list.

99. In case the Assessment Commissioner fails to perform any of the duties aforesaid, the Clerk of the County Court, upon the application of a person entitled to be named as an elector on the list of electors for the City shall forthwith apply summarily to the Judge of the County Court of Winnipeg to enforce the performance of the same.

100. The application may be in the following form.—

Payment to section 99 of "The Winnipeg Charter" I, A. B., Clerk of the County Court of Winnipeg (or 'a person entitled to be named as an elector on the list of electors for the City of Winnipeg, for 19__') hereby inform His Honour the Judge of the County Court of Winnipeg, that C. D., Assessment Commissioner of the City, has failed to perform the duties required of him as such Assessment Commissioner by the said Charter, to wit, that he, the said C. D., has not made out the alphabetical list of electors for 19__, for the said City within thirty days after the final revision and correction of the assessment roll thereof (or 'has not delivered or transmitted copies of the list of electors for the said City for 19__', to

and

or to any of them," (or, as the case may be, stating in brief the duty not performed) according to the requirements of the said Charter and I apply to you, the said Judge, to enforce the performance of the duties aforesaid, and to take such other proceedings as may be necessary

Dated at Winnipeg, this _____ day
of _____ 19__.

A. B.,
Clerk of County Court.

Any elector
may make
application.

101. The application may also be made by any person entitled to be named as an elector on the list in respect of which the application is made (Sec. 59, Municipal Electors' Act.)

Judge's order
on such
application.

102. The Judge shall, on such application, require the Assessment Commissioner and any other person he sees fit, to appear before him and produce the assessment roll, and any documents relating thereto, or to the list in respect of which the application is made, and to submit to such examination on oath as may be required of him or them, and the Judge shall thereupon make such orders and give such directions as he may deem necessary or proper for the purpose aforesaid.

Form.

103. The summons or order of the Judge shall be in the following form:—

In the matter of the list of electors for the City of Winnipeg.

Whereas, it appears by the application of A. B., Clerk of the County Court of Winnipeg (or a person entitled to be named as or clerk or on the said list") made to me in pursuance of "The Winnipeg Charter," that you, C. D., the Assessment Commissioner of the said City, have failed to perform certain duties required of you by the said Charter in that you have not made out the alphabetical list of electors for 19 for the said City, within thirty days after the final revision and correction of the assessment roll thereof (or at the time may be, following the application) and whereas the said A. B. has applied to me to enforce the performance of the duties aforesaid,

You, the said C. D., are therefore hereby required to be and appear before me at my chambers, in the Court House, Winnipeg, on the day of 19 at the hour of o'clock in the noon, and then and there have with you, and produce before me the assessment roll for 19 for the said City and any documents in your custody, power or control, relating to the assessment roll, or to the list of electors aforesaid, and then and there submit yourself for examination on oath as may be required of you. Herein fail not at your peril.

Dated this day of A.D. 19 .

To C. D.,

Assessment Commissioner of the City of Winnipeg.

County Court Judge.

(Sec. 53, Municipal Electors' Act.)

104. If the Assessment Commissioner improperly omits, neglects or refuses to complete the list of electors or to perform any of the duties hereinbefore required of him, such Assessment Commissioner, for each omission, neglect or refusal, shall incur a penalty not exceeding two hundred dollars. (Sec. 54, Municipal Electors' Act.)

Penalty incurred by Assessment Commissioner for omissions, etc.

105. If the Assessment Commissioner or any other person wilfully makes any alteration, omission or insertion, or in any way wilfully falsifies any such certified list or copy, or permits the same to be done, every such person shall incur a penalty not exceeding two thousand dollars, or in default of payment shall be imprisoned in the common gaol of the Eastern Judicial District of Manitoba for a period not exceeding six months, in the discretion of the said Judge. (Sec. 55, Municipal Electors' Act.)

Punishment for falsification of lists.

Qualifies person

106. No person shall make, execute, accept or become a party to any lease, deed or other instrument or become a party to any verbal agreement whereby a colorable interest in any house, land or tenement is transferred, in order to qualify any person to vote at an election, and any person violating the provisions of this section has he being liable to any other penalty prescribed in that behalf, shall incur a penalty of one hundred dollars, and any person who induces, or attempts to induce another to commit an offence under this section shall incur a like penalty. (Sec. 56, Municipal Electors' Act.)

Reporters of penalties

107. The penalties mentioned in the three last preceding sections may be recoverable, with costs of suit, by any person suing for the same in any Court of competent jurisdiction. (Sec. 57, Municipal Electors' Act.)

Inquiries by Assessment Commissioner

108. To prevent the creation of false votes, where any person claims to be assessed, or claims that any other person should be assessed, as owner or occupant of any parcel of land, and the Assessment Commissioner has reason to suspect that the person so claiming, or if it was the claim is made, has not a just right to be so assessed, it shall be the duty of the Assessment Commissioner to make reasonable inquiries before assessing such person. (Sec. 58, Municipal Act.)

Penalty for fraud practices

109. Any person who wilfully and improperly inserts any name in the assessment roll, or assesses any person at too high an amount with intent in either case to give any person not entitled, the right to a apparent right of voting at any election, or who wilfully inserts any fictitious name in the assessment roll, or who wilfully and improperly omits any name from the assessment roll, or assesses any person at too low an amount with intent in either case to deprive any person of his right to vote, shall, upon conviction thereof before a Court of competent jurisdiction, be liable to a fine not exceeding two hundred dollars, and in default of payment, to imprisonment in the common goal of the Eastern Judicial District of Manitoba, for a period not exceeding six months, in the discretion of the Court. (Sec. 59, Municipal Electors' Act.)

Extra copies may be had on application

110. In case any person shall, in any year, deem it advisable to obtain a greater number of copies of the said list of electors of the City than he is entitled to receive gratis under this Act, he may notify the Assessment Commissioner that he will require an extra number of copies of said list, stating how many, and it shall be the duty of the said Assessment Commissioner to cause a sufficient number of cop-

112. Every elector shall be entitled to vote in each ward in which his name appears in the voters' list, but in case of voting for mayor or controllers he elector shall be limited to one vote. Voting in each ward except for mayor and controllers.

657 Ed. 88 Cal. Const. Sec 49 (1907)

res to be made to meet this extra demand (Sec. 60, Municipal Electors' Act.)

~~111. The work-householder (H.), freeholder (F.), and tenant (T), appearing on the assessment roll pursuant to the provisions of this Act shall, for the purpose of said provisions relating to lists of electors, be held also to mean respectively occupant (O.), owner (O.), or tenant (T), and shall be so entered in the list of electors by the Assessment Commissioner. (Sec. 61, Municipal Electors' Act.)~~

Householder
(H.), Free-
holder (F.)
Tenant (T.)

WHERE ELECTORS MAY VOTE.

~~112. Every elector may vote in each ward in which he has been rated for the necessary property qualification, but in case of voting for the Mayor, the elector shall be limited to one vote. (Sec. 110, Municipal Act.)~~

Voting place.

113. Every elector who is entitled to a vote in more than one polling subdivision, shall vote for Mayor at the polling subdivision in which he is a resident, if qualified to vote therein, or when he is a non-resident or is not entitled to vote in the polling subdivision where he resides, then where he first votes and there only. (Sec. 111, Municipal Act.)

He here
presents and
votes for
Mayor

114. Any person who votes for Mayor after having already voted for Mayor at some other polling place at that election, and, any person who shall vote for alderman in any ward after having already voted for alderman in that ward, shall incur a penalty of fifty dollars, to be recovered, with full costs of suit by any person who may sue for the same in the County Court of Winnipeg, and any person against whom judgment is rendered shall be ineligible either as a candidate or elector at the next annual election. (Sec. 112, Municipal Act.)

Penalty for
voting twice.

115. The receipt by any voter of a ballot paper within the polling booth shall be *prima facie* evidence that he has there and then voted. (Sec. 113, Municipal Act.)

Receipt of
ballot paper
evidence of
having voted

116. The returning officer, or the request of any elector entitled to vote at one of the polling places, who has been appointed deputy returning officer or poll clerk, or who has been named as an agent of a candidate to attend at any polling place other than the one where he is entitled to vote, shall give to such elector a certificate that he is entitled to vote at the polling place where he is to be stationed during the polling day, and the certificate shall also state the property or other qualification in respect of which he is entitled to vote. (Sec. 114, Municipal Act.)

Certificate to
entitled elector
returning
officer, poll
clerk and
agent to vote
where
stationed.

Right to vote
on production
of certificate.

117 On the production of the certificate, the deputy returning officer, poll clerk or agent shall have the right to vote at the polling place where he is stationed during the polling day, instead of at the polling place where he would otherwise have been entitled to vote, and the deputy returning officer shall attach the certificate to the list of electors: but no such certificate shall entitle such elector to vote at such polling place, unless he has been actually engaged as such deputy returning officer, poll clerk, or agent during the day of polling: nor to vote for aldermen, except in the ward where he would otherwise be entitled to vote. (Sec. 115, Municipal Act.)

Who to
administer
oath.

118. In case of a deputy returning officer voting at the polling place where he has been stationed, the poll clerk appointed to act at the polling place, or in the absence of the poll clerk, any elector authorized to be present may administer to the deputy returning officer the oath required by law to be taken by voters. (Sec. 116, Municipal Act.)

OATHS.

Oaths et. of
persons
claiming to
vote.

119 The only oaths or affirmations to be required of a person claiming to vote shall be as follows, or to the like effect:—

You swear (or solemnly, sincerely and truly declare and affirm) that you are the person named, or purporting to be named, in the list of electors now shown to you (*showing the list to the voter*),

That you are a natural born (or naturalized, subject of His Majesty, and of the full age of twenty-one years,

That you have not voted before at this election, either at this or any other polling place in this ward, and, *if the elector be tendering his vote for mayor*), that you have not voted before or elsewhere in this City or at this election for mayor,

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any reward or gift, for the vote which you tender at this election,

That you have not received anything, nor has anything been promised you, directly or indirectly, either to induce you to vote at this election or for loss of time, travelling expenses, hire of team or any other service connected with this election;

And that you have not, directly or indirectly, paid or promised anything to any person to induce him either to vote or to refrain from voting at this election. So help you

God *Omit last four words where party affirms.* (Sec. 118, Municipal Act.)

120. Such oaths or affirmations shall be administered by the returning officer or deputy returning officer, as the case may be, at the request of any candidate or his authorized agent, and no inquiries shall be made of any voter except with respect to the facts specified in such oaths or affirmations. (Sec. 120, Municipal Act.)

When read by the officer and by the authorized agent

POLLING.

121. In case of a poll at an election of persons to serve in the Council, the votes shall be given by ballot. (Sec. 121, Municipal Act.)

Voting to be by ballot

122. During the hours appointed for polling no person shall be entitled or permitted to be present in any polling place, other than the officers, candidates, clerks, and not more than two agents for each candidate, which agents shall be appointed in writing by the candidates and authorized to attend at such polling place, and such voter as is for the time being actually engaged in voting; it shall at all times be lawful for the deputy returning officer to have present or to summon to his assistance in such polling place any police constable or peace officer for the purpose of maintaining order or of preserving the public peace, or preventing any breach thereof, or of removing any person or persons who may, in the opinion of such deputy returning officer, be obstructing the polling or wilfully violating any of the provisions of this Act. (Sec. 122, Municipal Act.)

Candidate or agent permitted to be present at polling places

Deputy returning officer may have present or summon constables

123. The deputy returning officer shall, immediately before the commencement of the poll, show the ballot box to such persons as are present at the polling place, so that they may see that it is empty; and he shall then lock the box and place his seal upon it in such manner as to prevent its being opened without breaking the seal, and he shall then place the box in his view for the receipt of ballot papers, and shall keep it so locked and sealed. (Sec. 123, Municipal Act.)

Deputy returning officer to show box empty to persons present and keep locked and sealed

124. Where any person claiming to be entitled to vote presents himself for the purpose of voting, the deputy returning officer shall proceed as follows:—

Presenting name to officer of voter

(a) He shall ascertain that the name of such person is entered, or purports to be entered, upon the list of electors for the polling subdivision for which such deputy returning officer is appointed to act

Recording. (b) He shall record or cause to be recorded, in the proper column of the poll book, the name, residence, and the legal address of such person.

Oath. (c) If such person shall take the oath or affirmation required to be taken by voters, the deputy returning officer shall enter or cause to be entered opposite such person's name, in the proper column of such poll book, the word "sworn" or "affirmed," according to the fact.

Objections. (d) Where the vote is objected to by any candidate or his agent, the deputy returning officer shall enter the objection or cause the same to be entered, in the poll book by writing opposite the name of such person, in the proper column, the words "objected to," stating at the same time by which candidate or in behalf of which candidate the objection has been made by adding after the words "objected to" the name only of such candidate.

Refusal to take oath. (e) Where such person as aforesaid has been required to take the oath or affirmation, and refuses to take the same, the deputy returning officer shall enter or cause to be entered opposite the name of such person, in the proper column of the poll book, the words "Refuses to be sworn" or "Refused to affirm" according to the fact, and the vote of such person shall not be taken or received, and no person shall have the right to present himself more than once for the purpose of voting, and if the deputy returning officer takes or receives such vote or causes the same to be received, he shall incur the penalty of \$100, to be recovered, with full costs of suit, by any person who shall sue for the same by action of debt in the County Court of Winnipeg.

Duties to be done by deputy returning officer. (f) When the proper entries respecting the person so claiming to vote have been made in the poll book, in the manner prescribed, the deputy returning officer shall sign his initials upon the back of the ballot paper.

Delivery of ballot papers. (g) The ballot paper shall be delivered to such person (Sec. 124, Municipal Act.)

Mode of voting to be explained on request. 125. The deputy returning officer may, and upon request shall, either personally or through his sworn poll clerk, explain to the voter, as concisely as possible, the mode of voting. (Sec. 125, Municipal Act.)

Penalty for default in signing or initialing ballot. 126. Every deputy returning officer refusing or omitting to sign his initials upon the back of the ballot paper, as provided by this Act, shall forfeit to any person aggrieved by such refusal or omission the sum of ten dollars in respect of every ballot paper deposited at his polling sub-division upon which the said deputy returning officer has not signed his

name or initials, as aforesaid, and the same may be recovered with full costs of suit, by action of debt in the County Court of Winnipeg. (Sec. 126, Municipal Act.)

127. The deputy returning officer or poll clerk shall mark each of parts the numbered every voter in the poll book whether he has voted for Mayor and Aldermen, both or either. (Sec. 127, Municipal Act.)

Deputy or returning officer or poll clerk shall mark each of parts the numbered every voter in the poll book.

128. Upon receiving from the deputy returning officer the ballot paper so prepared as aforesaid, the person receiving the same shall forthwith proceed into the compartment provided for the purpose and, having there and thereon mark his ball of paper in the manner mentioned in the directions contained in the same. If so that he is placing a cross thus, X, on the right hand side opposite the name of any candidate for whom he desires to vote, or of any other person within the division whom he desires the name of such candidate, as he shall, then he shall fold the paper across so as to conceal the names of the candidates and the marks upon the face of such paper and he shall, upon the request of the deputy returning officer and, leaving the compartment, shall without delay and without showing the face of any one or showing any folded or paper, not make known to any person the name of the candidate for whom he has marked his vote, deliver such ball of paper so marked to the deputy returning officer who shall without delay, the same or in any way disclosed the names of the candidates or the marks made by such elector, and he shall at once deposit the same in the ballot box in the presence of all persons entitled to be present in the polling place, and the voter shall forthwith leave the polling place. (Sec. 128, Municipal Act.)

Marked ballot.

129. While the voter is in any balloting compartment for the purpose of marking his ball of paper, no other person shall be allowed to enter the compartment or to be in any position from which he can observe the mode in which the voter marks his ball of paper. (Sec. 129, Municipal Act.)

Exclusion from balloting compartment.

130. No person who has received a ballot paper from the deputy returning officer shall take the same out of the polling place, or any person having so received a ballot paper, who leaves the polling place without first delivering the same to the deputy returning officer in the manner provided, shall thereby forfeit his right to vote, and the deputy returning officer shall make an entry in the poll book, in the column for remarks, to the effect that such person received a ballot paper but took the same out of the polling place or returned the same declining to vote, as the case may be, and in the latter case the deputy returning officer shall immediately

Voter not to take ballot from polling compartment.

Voter after receiving ballot paper, declining to vote.

write the word "cool red" upon such ballot paper and shall preserve the same, and, in case the returning officer be not himself performing the duties of deputy returning officer, the deputy returning officer shall return said ballot paper to the returning officer as hereinafter directed. (Sec. 130, Municipal Act.)

Proceedings in
case of
inability to
mark ballot

131. In case of an application by any person claiming to be entitled to vote who is incapacitated by blindness or other physical cause from marking his ballot paper, or in case of any person claiming to be entitled to vote who makes a declaration that he is unable to read, the proceedings shall be as follows:—

(a) The deputy returning officer shall, in the presence of the agents of the candidates, cause the vote of such person to be marked on a ballot paper in the manner directed by such person, and shall place the ballot paper in the ballot box.

(b) The deputy returning officer shall state or cause to be stated in the poll book, by an entry opposite the name of such person, that the vote of such person is marked in pursuance of this section, and the reason why it is so marked.

(c) The declaration of inability to read or of incapacity to mark a ballot paper shall be made by the person claiming to be entitled to vote at the time of the polling before the deputy returning officer, who shall attest the same, and the said declaration shall be given to the deputy returning officer at the time of voting.

(d) The said declaration and attestation shall respectively be in and according to the form following:—

I, A. B., of _____ being numbered _____ on the poll book for polling subdivision No. _____, in the City of Winnipeg, being a duly qualified elector for the said City of Winnipeg, do hereby declare that I am unable to read (or that I am from physical incapacity unable to mark a voting paper, as the case may be).

Dated the _____ day of _____, A.D. 19____

His
A. B., X
Mark

I, C. D., the undersigned, being the deputy returning officer for polling subdivision No. _____ for the City of Winnipeg, do hereby certify that the above (or as the case may be) declaration, having been first read to the above named A. B., was signed by him in my presence with his mark.

Dated the _____ day of _____, A.D. 19____

C. D.,

Deputy Returning Officer, Polling Subdivision No. _____ in the City of Winnipeg. (Sec. 131, Municipal Act.)

132. A person claiming to be entitled to vote, who has inadvertently dealt with his ballot paper in such a manner that it cannot conveniently be used as a ballot paper, may, on delivering to the deputy returning officer the ballot so inadvertently dealt with, and proving the fact of the inadvertence to the satisfaction of the deputy returning officer, obtain another ballot paper in the place of the ballot paper so delivered up, and the deputy returning officer shall immediately write the word "cancelled" upon such ballot paper, and preserve the same, and in case the returning officer is not himself performing the duties of deputy returning officer, the deputy returning officer shall return the ballot paper to the returning officer as hereinafter directed. (Sec. 132, Municipal Act.)

Proceedings in case ballot cannot be used.

133. Immediately after the close of the poll in every polling place, the deputy returning officer shall, in the presence of each of the candidates or of their agents as may then be present, open the ballot box, and proceed to count the votes, as follows:—

Counting the votes.

(a) He shall examine the ballot papers, and any ballot paper on which more votes are given than the elector is entitled to give, or on which anything except the initials of the deputy returning officer on the back is written or marked, by which the vote can be identified shall be void and shall not be counted, nor any ballot paper on which votes are given for a greater number of candidates for any office than the voter is entitled to vote for, shall be void as regards all the candidates for such office.

Rejected ballot.

(b) The deputy returning officer shall take a note of any objection made by any candidate, his agent or any elector authorized to be present, to any ballot paper found in the ballot box, and shall decide any question arising out of the objection,

Deputy returning officer to note objections to ballots.

(c) Each object on shall be numbered and a corresponding number placed on the back of the ballot paper and initialled by the deputy returning officer.

Objection to be numbered, so correspond with ballot.

(d) The deputy returning officer shall endorse "Rejected" on any ballot paper which he rejects as invalid, and shall endorse "Rejection objected to," if any objection is made to his decision.

Rejected ballots to be endorsed.

(e) The deputy returning officer shall then count up the votes given for each candidate upon the ballot papers not rejected, and make up a written statement, in words as well as in figures, of the number of ballot papers rejected and not counted by him, which shall be made under the several heads:—

(1) Number of ward and polling division and the date of election.

(2) Number of votes for each candidate.

(3) Rejected ballot papers.

Statements to be signed

(4) Upon the completion of such written statement it shall be forthwith signed by the deputy returning officer, the poll clerk (if any), and each of the candidates or their agents as may be present and desire to sign such statement. (Sec. 133, Municipal Act.)

Agents entitled to be present

134. No more than two agents for any candidate shall be entitled to be present at the same time at the counting of the votes. (Sec. 134, Municipal Act.)

Certificate of date of poll to be given.

135. Every deputy returning officer, on being requested so to do, shall deliver to the person authorized to attend at his polling place a certificate of the number of votes given at that polling place for each candidate, and of the number of rejected ballot papers. (Sec. 135, Municipal Act.)

Duties of deputy returning officer after counting the votes.

136. Every deputy returning officer shall, at the close of the poll, certify under his signature on the poll book in full words the total number of persons who have voted at the polling place at which he has been appointed to preside and at the completion of the counting of votes after the close of the poll shall, in the presence of two agents of the candidates, make up into separate packets, sealed with his own seal, and the seals of such agents of the candidates as desire to affix their seals, and marked upon the outside with a short statement of the contents of such packet, the date of the day of the election the name of the deputy returning officer and of the polling station and municipality:—

(a) The statement of votes given for each candidate and of the rejected ballot papers,

(b) The used ballot papers which have not been objected to and have been counted,

(c) The ballot papers which have been objected to, but which have been counted by the deputy returning officer,

(d) The rejected ballot papers,

(e) The spoiled ballot papers,

(f) The unused ballot papers,

(g) A statement of the number of voters, whose votes are marked by the deputy returning officer under the heads "physical incapacity" and "unable to read," with the de-

clarations of made it, and the notes taken of objections made to ballot papers found in the ballot box. (Sec. 136, Municipal Act.)

137. Before returning the said poll book to the returning officer, the deputy returning officer shall make and subscribe before such returning officer, or a justice of the peace or the poll clerk, his declaration under oath that the poll book was used in the manner prescribed by law, and that the entries required by law to be made therein were correctly made, which declaration shall thereafter be annexed to the poll book, and such poll book and declaration may be inspected at any time in the presence of the returning officer by any elector of the City. (Sec. 137, Municipal Act.)

Declaration as
to use of
poll book to
be made.

138. The declaration mentioned in the preceding section shall be in the form following — Form of
declaration

I, C. D., the undersigned deputy returning officer for polling subdivision No. , of the City of Winnipeg, do solemnly swear (or, if he is a person permitted by law to affirm, do solemnly affirm) that to the best of my knowledge the poll book used in and for the polling subdivision No. , of the said City of Winnipeg, was used in the manner prescribed by law, and that the entries required by law to be made therein were correctly made.

(Signed) C. D.,

Deputy Returning Officer

Sworn (or affirmed) before me, at the City of Winnipeg, this
day of , A. D. 19 .

(Signed) X. Y.,

Justice of the Peace,

or A. B., Returning Officer.

(Sec. 138, Municipal Act.)

139. If the returning officer is not himself performing the duties of deputy returning officer, the deputy returning officer shall forthwith place such packets in the ballot box and personally deliver the same to the returning officer, and if he is unable to do so, owing to illness or other cause, he shall deliver such ballot box containing such packets to a person chosen by him for the purpose of delivering the same to the returning officer, and shall mention on the outside of the cover of each of the packets the name of the person to whom the same had been so delivered, and shall take a proper receipt therefor, such ballot box shall be locked and sealed. (Sec. 139, Municipal Act.)

Ballots to be
delivered to
the returning
officer

Statements to be made by the returning officer with ballot - etc

140. The packets shall be accompanied by a statement made by the deputy returning officer, showing the number of ballot papers entrusted to him, and accounting for them under the heads of (1) counted, (2) rejected, (3) unused, (4) spoiled, (5) ballot papers given to voters who afterwards returned the same declaring 1 vote, and (6) ballot papers taken from the polling place, which statement shall give the number of papers under each head, and is in this Act referred to as the "Ballot paper account" (See 140, Municipal Act)

Dispute as to statement, how settled

141. If the deputy returning officer and one or more of the agents of the candidates present at the examination and counting of the ballot papers are unable to agree as to the written statement to be made by the deputy returning officer, the packets of ballot papers shall be broken open by the returning officer in the presence of the deputy returning officer and such of the candidates or of their agents as may be present on the day succeeding the polling day, at an hour and place to be appointed one of which they have been notified by the deputy returning officer, and the returning officer after examining the ballot papers shall finally determine the matter in dispute, and sign the written statement herebefore mentioned and the returning officer shall forthwith, in the presence of the deputy returning officer and such of the candidates or of their agents as may then be present, securely seal up the ballot papers which have been examined by him into their several packets as before. (See 141, Municipal Act)

Returning officer to count up votes and declare who is elected, etc

142. The returning officer, after he has received the ballot papers and statements before mentioned of the number of votes given at each polling place shall, without opening of the sealed packets of ballot papers, cast up the number of votes for each candidate from such statements, and shall at the Civic Offices, or some other public place at noon of the day following the return of each ballot papers and statements, publicly declare to be elected the candidate or candidates having the highest number of votes, and shall also put up in some conspicuous place a statement under his hand showing the number of votes for each candidate, and after making such declaration the ballot boxes shall be returned with the contents and other documents to the office of the City Clerk. (See 142, Municipal Act)

Ballot boxes to be returned to City Clerk's office.

In case of tie, returning officer to vote

143. In case it appears upon the casting up of the votes as aforesaid that two or more candidates have an equal number of votes, the returning officer and whether otherwise qualified or not, shall at the time he declares the result of

the poll, give a vote for one or more of such candidates as as to decide the election. (Sec. 143, Municipal Act.)

144. In case, by reason of riot or other emergency, an election is not commenced on the proper day, or is interrupted after being commenced and before the lawful closing thereof, the returning officers or deputy returning officer (as the case may be) shall hold or resume the election on the following day, at the hour of ten o'clock in the forenoon, and continue the same from day to day, if necessary, for four days, until the poll has been opened without interruption and with free access to the voters for eleven hours in all, in order that all the electors so numbering may have a fair opportunity to vote. (Sec. 144, Municipal Act.)

Proceedings when election interrupted with.

145. But in case the election has not, by the end of the fourth day from the day the same commenced, or should have commenced, been kept open for the said eleven hours, the returning officer or deputy returning officer (as the case may be) shall elect or return any person as elected, but shall return his poll book and list of electors, and the ballot papers, if any, on the following day to the Mayor, certifying the cause of there not being an election, and a new election of all take place and the Mayor shall forthwith issue his warrant therefor. (Sec. 145, Municipal Act.)

Return when election held.

146. When a poll has been duly held in each of such polling subdivisions, and the statements hereby directed to be returned to the returning officer have been so returned to him, he shall, cast up from the said statements, the number of votes given for each candidate for any office in respect whereof the election has not been previously declared together with the votes appearing by the statements previously returned for other wards to be given to the candidate, and shall at noon on the next day at the Civic Offices or some other public place, publicly declare to be elected the candidate or candidates having the largest number of votes, which declaration shall be final subject to any proceedings by way of recount, contestation or otherwise, as herein provided. (Sec. 146, Municipal Act.)

Casting up votes.

Declaration of election to be made.

SECRECY OF VOTING.

147. Every officer, clerk and agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place. (Sec. 147, Municipal Act.)

Maintaining secrecy of the proceedings at polling places.

148. No officer, clerk or agent and no person whomsoever shall interfere with, or attempt to interfere with, a voter

Interference with voters prohibited.

when marking his vote, or otherwise attempt to obtain at the polling place information as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted. (Sec. 148, Municipal Act.)

Information as to candidate.

149. No officer, clerk, agent or other person shall communicate at any time to any person any information obtained at a polling place as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted. (Sec. 149, Municipal Act.)

Officers et al. at counting of votes to maintain secrecy.

150. Every officer, clerk and agent in attendance at the counting of the votes shall maintain, and aid in maintaining the secrecy of the voting and shall not communicate or attempt to communicate any information obtained at such counting as to the candidate or candidates for whom any vote is given on any particular ballot paper. (Sec. 150, Municipal Act.)

No person to induce voter to show marked ballot.

151. No person shall, directly or indirectly, induce a voter to display his ballot after he has marked the same, so as to make known to any person the name of any candidate or candidates for or against whom he has marked his vote. (Sec. 151, Municipal Act.)

Penalty for contravening five next preceding sections.

152. Every person who acts in contravention of any of the five next preceding sections shall be liable, on summary conviction before a Police Magistrate or two Justices of the Peace, to imprisonment for any term not exceeding six months, with or without hard labour. (Sec. 152, Municipal Act.)

Statutory declaration of secrecy.

153. The returning officer and every officer, clerk or agent authorized to attend a polling place or at the counting of the votes shall, before the opening of the poll, make a declaration of secrecy in the presence, if he be the returning officer, of a Justice of the Peace, and if he be any other officer or clerk, in the presence of a Justice of the Peace or of the returning officer, and if he be an agent of a candidate, in the presence of a Justice of the Peace or of the returning officer or of the deputy returning officer at whose polling place he is appointed agent; and such declaration of secrecy shall be in the form following, that is to say:—

DECLARATION OF SECRECY

I, *A. B.*

solemnly promise and declare that I will not at this election of members of the Municipal Council of the City of Winnipeg, in any way whatsoever, unlawfully attempt to ascertain the candidate or candidates for

whom any elector shall vote or has voted, and will not in any way whatsoever, aid in the unlawful discovery of the same, and I will keep secret all knowledge which may come to me of the person for whom any elector has voted.

Made and declared before me at the City of Winnipeg this
day of _____, A.D. 19__

C. D.,
Justice of the Peace (or Returning Officer)
(Sec. 153, Municipal Act.)

154. No person who has voted at an election shall, in any legal proceeding to question the election or return, be required to state for whom he has voted. (Sec. 154, Municipal Act.)

No person
compelled to
disclose his
vote.

DISPOSITION OF BALLOTS.

155. The Clerk shall retain for one month all ballot papers received by him or forwarded to him in pursuance of this Act and then, unless otherwise directed by an order of a Court or Judge of competent jurisdiction, shall cause them to be destroyed in the presence of two witnesses, whose declaration that they have witnessed the destruction of such papers shall be made and filed amongst the records of the City by the Clerk. (Sec. 155, Municipal Act.)

Ballot papers,
how disposed
of

156. No person shall be allowed to inspect any ballot papers in the custody of the Clerk except under the order of a Court or Judge of competent jurisdiction, to be granted by the Court or Judge on being satisfied by evidence on oath that the inspection or production of such ballot papers is required for the purpose of maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of a petition questioning an election or return, and any such order for the inspection or production of ballot papers shall be obeyed by the Clerk. (Sec. 156, Municipal Act.)

Ballot papers
to be inspected
only on order
of Court or
Judge.

157. The order may be made subject to such conditions as to persons, time, place and mode of opening or inspection as the Court or Judge making the order thinks expedient. (Sec. 157, Municipal Act.)

Order may be
subject to
conditions.

158. Where a rule or order is made for the production by the Clerk of any document in his possession relating to a specified election the production of the document by the Clerk in such manner as may be directed by the rule or order shall be conclusive evidence that the document relates to the

Production of
documents
and evidence
thereon
shall be
conclusive
evidence for
certain
purposes.

specified election, and any endorsement appearing on any packet of ballot papers produced at the Clerk shall be evidence of such papers being what they are stated by the endorsement to be. (Sec. 138, Municipal Act.)

RECOUNT OF VOTES.

*Receipt of
affidavit by
County Judge*

159. It may be made to appear, on the affidavit of a credible person to a Judge of the County Court of Winnipeg at any time within fourteen days from the time the ballot papers are received by the Clerk that any person or persons returning officer at any election in said City for Mayor, Aldermen, or School Trustees in counting the votes, has improperly counted or rejected any ballot paper at such election, the said Judge of the County Court may appoint a time to recount the votes and shall give notice in writing to the candidates of the time and place at which he will proceed to recount the same. (Sec. 139, Municipal Act.)

*Deposit by
applicant*

160. At the time of the application for a recount the applicant shall deposit with the Clerk of the County Court of Winnipeg the sum of twenty-five dollars as security for the payment of costs, charges and expenses that may become payable by the applicant and the receipt of the Clerk of the County Court for such payment shall be conclusive evidence thereof and the said sum shall not be paid out by the said Clerk without an order of a Judge of the Court. (Sec. 140, Municipal Act.)

*Who may be
present at
recount.*

161. The Judge, the returning officer or Clerk with the ballot boxes and each candidate and his agent appointed to attend the recount of votes, and no other person except with the sanction of the Judge, shall be present at the recount of the votes. (Sec. 141, Municipal Act.)

*Opening of
packets.*

162. At the time and place appointed, the Judge of said County Court shall proceed to recount all the votes or ballot papers received by the returning officer, and shall, in the presence of the parties of record, if they attend, or in the presence of such of them as do attend, open the sealed packets containing (a) the used ballot papers which have not been objected to and have been counted, (b) the ballot papers which have been objected to, but which have been counted by the deputy returning officer, (c) the rejected ballot papers, (d) the spoiled ballot papers, (e) the unused ballot papers, and in recounting the votes care shall be taken that the mode in which any particular voter has voted shall not be discovered. (Sec. 142, Municipal Act.)

163. The Judge shall, as far as practicable, proceed con- This moment to
tinuously with the recount of the votes, allowing only time to be a
for refreshment excluding on Sundays, and, on other days, subsequent
except so far as he and the parties aforesaid agree, the hours practical re-
between six o'clock in the evening and nine on the succeed-
ing morning. During the excluded time the Judge shall
place the ballot papers and other documents, relating to the
election under his own seal, and the seals of such other of the
parties as desire to affix their seals, and shall otherwise take
precautions for the security of the papers and documents.
(Sec. 163, Municipal Act.)

164. The Judge shall proceed to recount the vote as fol- Proceeding as
lows before.

(a) He shall examine the ballot papers.

(1.) Any ballot paper on which votes are given to more
candidates than are to be elected, or on which anything ex-
cept the name or initials of the deputy returning officer on
the back is written or marked by which the voter can be iden-
tified, shall be void and shall not be counted, but a ballot
paper, on which votes are given for a greater number of
candidates for any office than the voter is entitled to vote
for and, he votes as regards all the candidates for such office,
but shall be good as regards the votes for any other offices in
respect to which the voter has not voted for more candidates
than he is entitled to vote for, but no word or mark written
or made, or omitted to be written or made, by the deputy re-
turning officer on a ballot paper, shall void the same.

(c) The Judge shall take a note of any objection made by
a candidate or by his agent to any ballot paper found in the
ballot box and shall decide any question arising out of the
objection and the decision of the Judge shall be final.

(d) The Judge shall then count up the votes given for
each candidate upon the ballot papers not rejected by him,
and make up a written statement, in words as well as in fig-
ures, of the number of votes given for each candidate, and of
the number of ballot papers rejected and not counted by him,
which statement shall be made under the several heads fol-
lowing:—

- (1) Names of candidates;
- (2) Number of votes for each candidate.

(3) Papers wanting signature or initials of deputy re-
turning officer.

(4) Papers rejected as voting for more candidates than
entitled to;

(5) Papers rejected as having a writing or mark by which voters could be identified;

(6) Papers rejected as unmarked or void for uncertainty.

(7) Upon the completion of the recount, or as soon as he has thus ascertained the result of the poll, the Judge shall seal up all the ballot papers in separate packets, and shall forthwith cert. fy the result to the returning officer, who shall then declare to be elected the candidate having the highest number of votes, and in case of an equality of votes, the returning officer shall have the casting vote, as provided in section 143 of this Act (Sec. 164, Municipal Act)

Costs of application.

165. All costs, charges and expenses of, and incidental to, an application for a recount and to the proceedings consequent thereon shall be defrayed by the parties to the application in such manner and in such proportion as the Judge may determine, regard being had to the disallowance of any costs, charges or expenses which may in the opinion of the Judge have been caused by vexatious conduct, unfounded allegations or unfounded objections on the part either of the applicant or the respondent, and a regard being had to the discouragement of any needless expense by throwing the burden of defraying the same on the parties by whom it has been caused whether such parties are or are not on the whole successful. (Sec. 165, Municipal Act)

Taxation of costs.

166. The costs may be taxed by the Judge in the same manner and according to the same principles as costs are taxed between solicitor and client in the County Court. (Sec. 166, Municipal Act)

Recovery of costs.

167. The payment of any costs ordered by the Judge to be paid may be enforced by an execution against goods and chattels to be issued from any County Court upon filing therein the order of the Judge and a certificate showing the amount at which the costs were taxed and an affidavit of the non-payment thereof. (Sec. 167, Municipal Act)

Judge's fees.

168. The Judge shall be paid at the rate of five dollars per day such payment shall be made by the successful party and shall become part of the costs taxable against the unsuccessful party. The Judge shall be entitled to withhold his order until his fees are paid. (Sec. 168, Municipal Act)

MISCELLANEOUS PROVISIONS.

169 No person shall,—

Offences.

(a.) Without due authority supply any ballot paper to any person, or—

(b.) Fraudulently put into any ballot box any paper other than the ballot paper which he is authorized by law to put in, or—

(c.) Fraudulently take out of the polling place any ballot paper, or—

(d.) Without due authority, destroy, take, open or otherwise interfere with any ballot box or packet of ballot papers then in use for the purposes of the election; or

(e.) Apply for a ballot paper in the name of some other person, whether that name be of a person living or dead or of a fictitious person, or, having voted once and not being entitled to vote again at an election, again apply at the same election for a ballot paper in his own name. This provision is not to be construed as including a person who applies for such ballot paper believing that he is the person intended by the name entered on the list of electors in respect of which he so applies for a ballot paper. (Sec. 169, Municipal Act.)

170. No person shall attempt to commit an offence specified in the last preceding section. (Sec. 170, Municipal Act.)

171. A person guilty of any violation of one of the two last preceding sections shall be liable, if he be the Clerk or returning officer, to imprisonment for any term not exceeding two years, with or without hard labor, and, if he be any other person, to imprisonment for a term not exceeding six months, with or without hard labor. (Sec. 171, Municipal Act.)

172. Every officer and clerk who is guilty of any wilful misfeasance, or any wilful act or omission in contravention of any of the sections of this Act numbered from 34 to 171, inclusive, shall, in addition to any other penalty or liability to which he may be subject, forfeit to any person aggrieved by such misfeasance, act or omission the penal sum of four hundred dollars. (Sec. 172, Municipal Act.)

173. A candidate may himself undertake the duties which any agent of his, if appointed, might have undertaken, or may assist his agent in the performance of such duties, and may be present at any place at which his agent may in par-

sumes of this Act be authorized to attend, but no candidate shall be present at the marking of a ballot by an incapacitated voter or a voter unable to read, under section 171 of this Act. (See 173, Municipal Act.)

Expressions in
Secs. 36 to 173
inclusive
referring to
agents

174. When in the sections of this Act numbered from 34 to 173, inclusive, expressions are used requiring or authorizing any act or thing to be done, or inferring that any act or thing shall be done, in the presence of the agents of the candidate, such expressions shall be deemed to refer to the presence of such agents of the candidates as are authorized to attend and, in fact, attend, at the time and place where and at which a thing is being done, and the non-attendance of any agent at such time and place shall not, if the act or thing is otherwise duly done, invalidate in any wise the act or thing done. (See 174, Municipal Act.)

Non-attendance of agents
No objection can
be made on the
ground of non-attendance
of agents, with
proper proof, if
the election
result is not
affected

175. No objection can be held or made on account of a non-compliance with the rules contained in this Act as to the marking of the poll or the counting of the votes, or by reason of any mistake in the use of the forms provided for by this Act, or by reason of any irregularity if it appears to the tribunal having cognizance of the matter that the election was conducted in accordance with the principles laid down in this Act, and that such non-compliance or mistake or irregularity did not affect the result of the election. (See 175, Municipal Act.)

Expenses incurred by
officers, to be
paid

176. The reasonable expenses incurred by the returning officer and by the other officers and clerks for printing, providing ballot boxes, ballot papers, poll books, materials for marking ballot papers, polling compartments, transmission of the packets required to be transmitted by this Act, and reasonable fees and all charges for services rendered under this Act shall be paid to the returning officer by the Treasurer of the City and shall be distributed by the returning officer to the several persons entitled thereto. Provided that the Clerk shall not be entitled to any fee for services as returning officer. (See 176, Municipal Act.)

VACANCIES IN COUNCIL.

Penalty for
becoming bankrupt
by officers,
incapacitated
persons, etc.

177. If after the election of a person as a member of the Council he be convicted of any indictable offence, upon conviction for which a person is liable to imprisonment for five years, or makes an assignment under "The Assignment Act" or under any Act of the Parliament of Canada respecting bankruptcy or insolvency, or absents himself from the meetings of the Council for six weeks without being authorized so to do by a resolution of the Council entered in its minutes, —

his seat in the Council shall thereby become vacant. Provided, however, that the Mayor or any Alderman, who may be called up to active service by reason of his being a member of a militia corps, or who shall go on active military or naval service, shall not by performing or going upon such active service forfeit his seat of office. (Sec 177, Municipal Act.)

Provided as to absence on active service, military, naval, etc.

178. In the event of a member of the Council forfeiting his seat at the Council or his right thereto, or of his becoming disqualified to hold his seat, or of his seat becoming vacant by disqualification or otherwise, he shall forthwith vacate his seat, and, in the event of his continuing to do so at any time after his election, proceedings to unseat such member may be had and taken, as provided by this Act, and such provisions shall for the purposes of such proceedings, apply to any such forfeiture, disqualification or vacancy. (Sec 178, Municipal Act.)

Seats to be vacated when member of Council does, qualified.

179. The Mayor or other member of the Council may in writing resign his seat in the Council. (Sec. 179, Municipal Act.)

Any member may resign.

180. In case no return be made for one or more polling subdivisions, in consequence of non-election owing to interruption by riot or other cause, or in case a person elected to a council neglects or refuses to accept office or to make the necessary declarations of office within the time required, or in case a vacancy occur in the Council caused by resignation, death, removal, absence or otherwise, the Mayor for the time being or, in case of his absence, or of his office being vacant, the Clerk, or, in case of the like absence or vacancy in the office of the Clerk, one of the members of the Council, shall forthwith, by warrant, under the signature of such Mayor, Clerk or member, if procurable, require the returning officer and deputy returning officers appointed to hold the last election for the City and polling subdivisions respectively, or any other persons duly appointed to those offices, to hold a new election to fill the place of the person neglecting or refusing as aforesaid, or to fill the vacancy. (Sec 180, Municipal Act.)

New election provided for and made if conduct not proper.

181. In case the office of Mayor becomes vacant after the first day of December in any year, and an election to fill the vacancy has not been ordered by a Court or a Judge, the Council may either direct that an election be held to fill the vacancy or may elect one of their number to fill the office during the residue of the term. (Sec 181, Municipal Act.)

Election of Mayor on vacancy after 1st December.

182. The person thereupon elected shall hold his seat for the residue of the term for which his predecessor was elected.

Same to be held for residue of term.

or for which the officer is to be fined. (Sec. 182, Municipal Act.)

Warrant for
new election.

183. In case such non-election, neglect or refusal as aforesaid occurs previous to the organization of the Council for the year, the warrant for the new election shall be issued by the Mayor or a member of the Council for the previous year, or by the Clerk, in like manner, as provided by section 180, but such neglect or refusal shall not interfere with the immediate organization of the new Council, provided a majority of the full number of the Council be present. (Sec. 183, Municipal Act.)

But neglect
not to prevent
organization
of Council.

Time for
holding new
election.

184. The returning officer and deputy returning officers shall hold the new election at furthest within twenty five days after receiving the warrant, and the Clerk shall appoint a day and place for the nomination of candidates, and the election shall, in respect to notices and other matters, be conducted in the same manner as the annual elections. (Sec. 184, Municipal Act.)

Mode of
appointing
requisite
number of
members of
Council if
election
neglected, etc.

185. In case, at an annual or other election, the electors, from any cause not provided for by sections 144 or 145, neglect or decline to elect the members of the Council on the day appointed, or to elect the requisite number of members, the new members of the Council, if they equal or exceed the half of the Council, when complete, or a majority of such new members, or if a half of such members are not elected, then the members for the preceding year, or a majority of them, shall appoint as many qualified persons as will constitute or complete the number of members requisite, and the persons so appointed shall accept office, and make the necessary declarations, under the same penalty, in case of refusal or neglect, as if elected. (Sec. 185, Municipal Act.)

CONTROVERTED ELECTIONS

Power to
question
election by
petition.

186. An election held under the provisions of this Act may be questioned by an election petition on the grounds following or any or either of them, that is to say

(a) That the election was wholly voided by corrupt practices or offences against section 229 or 230 of this Act, committed at the election, or—

(b) That the person whose election is questioned was at the time of the election disqualified; or—

(c) That he was not duly elected by a majority of lawful votes.

(d) And such election shall not be questioned on any of the above grounds, except by an election petition By way of petition only.

(e) Such election petition shall be presented either by four Presented by four or more persons who voted or had a right to vote at the election or by a person alleging himself to have been a candidate at the election.

(f) Any person whose election is questioned by the petition and any returning officer of whose conduct a petition complains may be made a respondent to the petition Who may be respondent only.

(g) Such petition shall be presented to a Judge of the County Court of Winnipeg, and shall be presented within twenty one days after the day on which the election was held, except that if it complains of the election, on the ground of corrupt practices and specifically alleges that a payment of money or other reward has been made or promised since the election, by a person elected at the election, or on his account or with his privity in pursuance or furtherance of such corrupt practices, it may be presented at any time within twenty one days after the date of the alleged payment or promise, whether or not any other petition against that person has been previously presented or tried. (Secs 182 to 187, Municipal Act) To be presented to the County Judge within 21 days after election. Exceptions.

187. At the time of the presentation of the petition the petitioner shall deposit with the Clerk of the County Court of Winnipeg or his deputy or with the Judge the sum of one hundred dollars, as security for all costs, charges and expenses which may become payable by him to any witness summoned on his behalf or to any respondent. And the receipt by such Clerk or his deputy or by the said Judge for the said deposit of one hundred dollars shall be conclusive evidence of such payment and that the provisions of this section have been complied with. (Secs 188 and 189, Municipal Act) Security for costs.

188. Within ten days after the presentation of the petition, the petitioner shall serve on the respondent a notice of the presentation of the petition and of the nature of the security, and a copy of the petition, such notice and copy shall be served personally, unless the Judge, on application, make an order for substituted service, which he may do on grounds which seem to him reasonable. (Sec 190, Municipal Act) Serving respondent with notice of presentation and security.

189. Within five days after service of the notice, the respondent may object, in writing, to the petition on the ground that no security has been given as required by this Act. (Sec. 191, Municipal Act) Respondent may object within five days.

To be decided
preliminarily

190. An objection to the security shall be decided preliminarily by the said Judge. (Sec. 202, Municipal Act.)

When no
security is given
proceedings
stayed.

191. If no security is given as herein prescribed, no further proceedings shall be had on the petition. (Sec. 204, Municipal Act.)

Petition at
issue.

192. On the expiration of the time limited for making objections, or after objection time, on the objection being disallowed, which ever last happens, the petition shall be at issue. (Sec. 205, Municipal Act.)

Two or more
candidates
may be made
respondents
to same
petition.

193. Two or more candidates may be made respondents to the same petition, and the various cases may be tried at the same time, but for no purposes of this contestation the petition shall be deemed to be a separate petition against each respondent. The petition shall be tried in open Court, and the Judge shall, for the purposes of the trial, have the same powers and privileges as in the trial of an ordinary case in the County Court. (Secs. 206 to 208, Municipal Act.)

Trial of
petition.

Powers of
Judge.

Place of trial
and its
adjournment.

194. The place of trial shall be in the City. The Judge may in his discretion adjourn the trial from time to time, and from any one place to another place within the City. And at the conclusion of the trial the Judge shall determine whether the person at whose election is complained of, or any and what other person, was duly elected, or whether the election was void, and shall forthwith certify in writing the determination to the Clerk of the City, and the determination so certified shall be final to all intents as to the matters at issue on the petition. (Secs. 209 to 211, Municipal Act.)

What Judge
to determine.

Certificate of
decision.

Further
report.

195. Where a charge is made in a petition of any corrupt practices or any offence against any provision of this Act, committed at the election, the Judge shall, in addition to the certificate, and at the same time, report in writing to the said Clerk as follows:—

(a) Whether any such corrupt practice or offence has or has not been proved to have been committed by, or with the knowledge and consent of any candidate at the election, and the nature of the corrupt practice or offence,

(b) The names of all persons (if any) proved at the trial to have been guilty of any such corrupt practice or offence,

(c) Whether any corrupt practices have, or whether there is reason to believe that any corrupt practices have, extensively prevailed at the election. (Sec. 212, Municipal Act.)

Evidence of
corrupt

196. On the trial of any such petition, unless the Judge otherwise directs, any charge of any such corrupt practice or

offence may be gone into, and evidence in relation thereto received, before any proof has been given of agency on behalf of any candidate in respect of the corrupt practice or offence (Sec. 213, Municipal Act.)

provide
before proof
of agency

197. On the trial of a petition, complaining of an undue election and claiming the office for some person, the respondent may give evidence to prove that that person was not duly elected in the same manner as if he had presented a petition against the election of that person. (Sec. 214, Municipal Act.)

Witnesses
called for
candidate
proof of not
being elected

198. The trial of a petition shall be proceeded with, notwithstanding that the respondent has ceased to hold the office his election to which is questioned by the petition. Witnesses at the trial of an election petition shall be sworn in and on a sworn in the same manner, as nearly as circumstances admit, as witnesses at a trial in the County Court. And witnesses shall be bound to attend before the Judge of the County Court in any proceeding arising under any such election petition or application to quash a return upon being served with the order of such County Court Judge or a subpoena issued by the Clerk of the County Court, directing him or her attendance, upon payment of the necessary fees for such attendance in the same manner as if he had been directed by a writ of subpoena in an ordinary cause in a County Court so to attend, and he or she may be punished for contempt and shall be liable to all the penalties for such non-attendance in the same manner as if he or she had been served with such subpoena. On the trial, the Judge may, by order in writing, require any person who appears to the Court to have been concerned in the election to attend as a witness, and any person refusing to obey the order shall be guilty of contempt of Court. (Secs. 215 to 218, Municipal Act.)

Trial where
respondent
out of office

Witnesses

Attendance of
witnesses

Order for
attendance of
witnesses

199. A witness may, after his examination by the Court, be cross-examined by or on behalf of the petitioner and respondent or either of them, and the Court may examine any person so required to attend or being in Court, although he is not called and examined by any party to the petition. (Secs. 219 and 220, Municipal Act.)

Cross-
examination.

Court may
examine.

200. A witness on an election petition shall not be excused from answering any question relating to a corrupt practice or offence committed at or connected with the election on the ground that the answer thereto may criminate or tend to criminate him under this Act, but if he answers it he shall be entitled to receive from the Judge a certificate stating that he was on his examination required by the Judge to answer questions, the answers whereof criminated or tend-

Witnesses to
answer through
interrogation.

Witnesses
of Judge

ed to exonerate him, and that he answered all such questions, and such questions and answers shall not be admissible in evidence in any other proceeding except a proceeding against such person for perjury if such answers be untrue. (Sec. 221, Municipal Act.)

**Effect of
Certificate.**

201. If any proceeding or action is at any time thereafter pending against the witness in any Court for any such corrupt practice or offence committed at or in relation to the election before the time of his giving his evidence, that Court shall on production and proof of the certificate, stay the proceedings, and may in its discretion award to him such costs as he has been put to therein. (Sec. 222, Municipal Act.)

**Judge's
decision as to
giving of
certificate
final.**

202. The giving of or refusal to give any such certificate by the Judge shall be final and conclusive. (Sec. 223, Municipal Act.)

Witness fees.

203. The reasonable expenses incurred by and the fees of any person in appearing to give evidence at the trial of an election petition, according to the scale allowed to witnesses on the trial of civil actions in the County Courts, may be allowed to him, and shall be deemed costs of the petition. (Sec. 225, Municipal Act.)

**Withdrawal
of petition.**

204. A petitioner shall not withdraw an election petition without the leave of the Judge on special application. (Sec. 226, Municipal Act.)

**Notice of
application.**

205. The application shall not be made until public notice of the intention to make it has been given in a manner ordered by the Judge. (Sec. 227, Municipal Act.)

**Substituting
petitioner.**

206. On the hearing of the application, any person who might have been a petitioner, in respect of the election, may apply to the Judge to be substituted as a petitioner, and the Judge may, if he think fit, substitute him accordingly. (Sec. 228, Municipal Act.)

**Power to
direct old
security
to stand.**

207. If the proposed withdrawal be, in the opinion of the Judge, induced by any corrupt bargain or consideration, the Judge may, by order, direct that the security given on behalf of the original petitioner shall remain as security for any costs that may be incurred by the substituted petitioner, and that, to the extent of the same, the original petitioner shall be liable to pay the costs of the substituted petitioner. (Sec. 229, Municipal Act.)

New security.

208. If the Judge do not so direct, then security to the same amount as would be required in the case of a new petition, and subject to the like conditions, shall be given on be-

half of the substituted petitioner before he proceeds with his petition, and within a time, after the order of substitution, to be fixed in such order or otherwise. (Sec. 230, Municipal Act.)

209. Subject as aforesaid, a substituted petitioner shall, Position of new petitioner as nearly as may be, stand in the same position and be subject to the same liabilities as the original petitioner. (Sec. 231, Municipal Act.)

210. If a petition be withdrawn, the petitioner shall be Costs on withdrawal liable to pay the costs of the respondent. (Sec. 232, Municipal Act.)

211. Where there are more petitioners than one, an application to withdraw a petition shall not be made except with Consent of all petitioners necessary the consent of all the petitioners. (Sec. 233, Municipal Act.)

212. An election petition under this Act shall be stated Abatement of petition by the death of a sole petitioner, or of the survivor of several petitioners. (Sec. 234, Municipal Act.)

213. The statement of a petition shall not affect the liability of the petitioner or of any other person to the payment of costs previously incurred. (Sec. 235, Municipal Act.) Not to affect liability for costs

214. On the statement of a petition public notice thereof shall on the order of the Judge be given by the Clerk of the City at the expense of the City, and, within the time prescribed by the Judge after the notice is given, any person who might have been a petitioner in respect of the election may apply to the Judge to be substituted as a petitioner, and the Judge may, if he thinks fit, substitute him accordingly, and security shall be given on behalf of a petitioner so substituted, as in the case of a new petition. (Secs. 236 and 237, Municipal Act.) Notice of statement
Substitution of new petitioner
Security

215. All costs, charges and expenses of and incidental to the presentation of an election petition, and the proceedings consequent thereon, except such as are by this Act otherwise provided for, shall be defrayed by the parties to the petition in such manner and proportion as the Judge determines; and in particular any costs, charges or expenses which in the opinion of the Judge have been caused by vexatious conduct, unfounded allegations, or unfounded objections on the part either of the petitioner or of the respondent, and any needless expense incurred or caused on the part of the petitioner or respondent may be ordered to be defrayed by Costs of election petition

the parties by whom it has been incurred or caused, whether they are or not on the whole successful, and costs shall be taxed on the scale of costs in the County Court. (Secs. 238 and 239, Municipal Act.)

Reception and
allocation
on Election
Court

216. If the County Court Judge shall direct the Court to be held in some other place than the Court House, the Clerk shall provide proper accommodation for holding the election court, and any expenses incurred by him for the purposes of this section shall be paid by the City, and all constables, bailiffs and sheriffs shall give their assistance to the Court in the execution of its duties. (Secs. 240 and 241, Municipal Act.)

Procedure

217. Subject to the provisions of this Act, the principles, practice and rules for the time being observed in the case of Legislative election petitions, and in particular the principles and rules with regard to agency and evidence, and to the declaring any person elected in the room of any other person declared to have been not duly elected, shall be observed, as far as may be in the case of an election petition herein provided for. (Sec. 242, Municipal Act.)

Powers of
Judge

218. The Judge shall, subject to this Act, have the same powers, jurisdiction and authority with respect to a municipal election petition and the proceedings thereon, as if the petition were an ordinary action within his jurisdiction. (Sec. 243, Municipal Act.)

Acts done
infringing a
petition not
to be invalidated

219. Where a candidate who has been elected to a municipal office is by a decision of the said Judge declared not to have been duly elected, acts done by him in execution of the office, before the time when the certificate or decision is certified to the Clerk, shall not be invalidated by reason of that declaration. (Sec. 244, Municipal Act.)

Provision as
to election in
the room of
person
declared on
petition

220. Where on an election petition the election of any person to a municipal office has been declared void, and no other person has been declared elected in his room, a new election shall be held to supply the vacancy in the same manner as on a casual vacancy, and for the purposes of the elect on any duties to be performed by a Mayor, Alderman or other officer shall, if he have been declared not elected, be performed by a deputy or other person who might have acted for him if he had been incapacitated by illness. (Sec. 245, Municipal Act.)

Appeals from
Judge of
County Court

221. Any party to a petition or proceeding presented to or before any Judge of a County Court may appeal from any order, decision, ruling or judgment of such Judge as

connection with any such petition or proceeding to the full Court of King's Bench. Any such appeal may be taken in the same manner and subject to the same rules of law and procedure as an appeal from any decision or judgment of a County Court Judge under "The County Courts Act" and amendments.

222. Any person unseated on the ground of want of property qualification shall not be a candidate at the election held to fill the vacancy caused thereby. The returning officer shall not receive the name of any such person so unseated as a candidate at such election. (Sec. 246, Municipal Act)

Persons unseated for want of property qualification not to be considered as candidates for the vacancy

223. Any person whose election is complained of may, unless such election be complained of on the ground of corrupt practices on the part of such person, within four days after service on him of the petition, transmit postpaid through the post office, directed to the said Judge or may cause to be delivered to such Judge, a disclaimer signed by him, to the effect following:

Disclaimer unless complaint is for corrupt practices

I, *A. B.* upon whom a petition has been served contesting my right to the office of Alderman (or as the case may be), for the City of Winnipeg do hereby disclaim the said office and all defence of any right I may have to the same.

Form of disclaimer.

Dated this day of , A.D. 19 .

(Signed)

A. B.

(Sec. 247 Municipal Act)

224. Such disclaimer on the envelope containing the same, shall moreover be indorsed on the outside thereof with the word "Disclaimer" and be registered, if mailed. (Sec. 248 Municipal Act)

To be indorsed.

225. Where there has been a contested election, the person elected may at any time after the election, and before his election is complained of, deliver to the returning officer a disclaimer signed by him to the effect following:—

Disclaimer before complaint

I, *A. B.*, do hereby disclaim all right to the office of *A.* (or as the case may be) for the City of Winnipeg and all defence of any right I may have to the same.

Form of disclaimer

Dated the day of A.D. 19 .

(Signed.)

A. B.

(Sec. 249, Municipal Act.)

Duplicate to be delivered to Clerk or Returning Officer

226. Every person disclaiming under the last two preceding sections shall deliver a duplicate of his disclaimer to the returning officer or City Clerk. (Sec. 250, Municipal Act.)

To be countersigned by Clerk to Council and to act as resignation

227. Where a disclaimer has been made in accordance with the preceding sections the returning officer shall forthwith countersign the same to the Council, and such disclaimer shall operate as a resignation. (Sec. 251, Municipal Act.)

Costs when persons disclaim.

228. No costs shall be awarded against any person duly disclaiming, unless the Judge is satisfied that such party consented to his nomination as a candidate or accepted the office, in which case the costs shall be in the discretion of the Judge. (Sec. 252, Municipal Act.)

CORRUPT PRACTICES.

Corrupt practices

229. The following persons shall be deemed guilty of corrupt practices, and shall be punished accordingly:

Giving money to voters.

(a) Every person who, directly or indirectly, by himself or by any other person in his behalf, gives, lends or agrees to give or lend, or offers or promises any money or valuable consideration or gives or procures, or agrees to give or procure, or offers or promises, any office, place or employ ment to or for any voter, or to or for any person on behalf of any voter, or to or for any person in order to induce any voter to vote or refrain from voting at a municipal election or upon any by-law for raising any money or creating any debt upon the City for any purpose whatsoever, or who corruptly does any such act as aforesaid on account of such voter having voted or refrained from voting at any such municipal election or upon any such by-law.

Giving gifts to procure return of candidate

(b) Every person who, directly or indirectly, by himself or by any other person in his behalf, makes any gift, loan, offer, promise or agreement as aforesaid, to or for any person, in order to induce such person to procure or endeavor to procure the return of any person to serve in the Council, or to procure the passing or reject of any such by-law as aforesaid, or the vote of any voter at a municipal election or for or against any such by-law.

Accepting bribes.

(c) Every person who, by reason of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavors to procure, the return of any person in a municipal election, or to procure or prevent the passing of any such by-law as aforesaid, or the vote of

any voter at a municipal election or for or against any such by-law,

(d) Every person who advances or pays, or causes to be paid, any money to or to the use of any other person, with the intent that such money, or any part thereof, shall be expended in bribery at a municipal election or at any voting upon a by-law as aforesaid, or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money, wholly or in part, expended in bribery at any such election or at the voting upon any such by-law Advancing money

(e) Every voter who, before or during a municipal election or the voting on any such by-law, directly or indirectly by himself or any other person in his behalf, receives, agrees or contracts for any money, gift, loan, or valuable consideration, office, place or employment, for himself or any other person for voting or agreeing to vote, or refraining or agreeing to refrain from voting, at any such election or upon any such by-law, Vote, procuring or agreeing for money to vote

(f) Every person who, after any such election or the voting upon any such by-law, directly or indirectly, by himself or any other person in his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting, at any such election or upon any such by-law, Receiving money after election

(g) Every person who hires any horse, team, carriage or other vehicle for the purpose of conveying electors to or from the polls, and every person who knowingly receives pay for the use of any horse, team, carriage, or other vehicle, for the purpose of conveying electors to or from any poll as aforesaid, Hiring teams

(h) Every person who corruptly by himself or by or with any person or by any other ways or means on his behalf, at any time, either before or during a municipal election or the voting upon any by-law, directly or indirectly, gives or provides or causes to be given or provided, or is accessory to the giving or providing, or pays wholly or in part any expenses incurred for any meat, drink, refreshment or provisions to or for any person in order to be elected, or for being elected, or procuring the election of any other person, or the passage of any such by-law, or for the purpose of corruptly influencing such person or any other person to give or refrain from giving his vote at such election or upon such by-law; Corruptly providing refreshments

(i) Every person who during the voting at a municipal election, or upon any by-law knowingly personates and Personation

false, y assumes to vote in the name of another person whose name appears on the list of electors, whether such other person be then living or dead, or if the name of such other person be the name of a fictitious person,

Repeating
vote.

(j) Every person who, having already voted at any such election or upon a by-law, presumes himself again to vote at the same election or upon the same by-law,

Aiding and
abetting.

(k) Every person who aids, incites, counsels or facilitates the commission by any person whatsoever of any of the foregoing acts in this section mentioned. (Sec. 233, Municipal Act.)

Using
violence or
intimidation.

230. Every person who, directly or indirectly, by himself or by any other person in his behalf, makes use of any force, violence or restraint, or inflicts or threatens the infliction by himself, or by or through any other person, of any injury, damage or loss, or in any manner practices intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting, at any election, or who in any way prevents or otherwise interferes with the free exercise of the franchise of any voter, shall be deemed to be guilty of undue influence and be subject to the penalty hereinafter mentioned, and the expression "corrupt practices" where used in this Act shall be deemed to include such offence of undue influence. (Sec. 234, Municipal Act.)

Actual
expenses of
candidate.

231. The actual personal expenses of any candidate, his expenses for actual professional services performed and bona fide payments for the fair cost of printing and advertising shall be held to be expenses lawfully incurred, and the payment thereof shall not be a contravention of this Act. (Sec. 235, Municipal Act.)

Evidence to
be taken
re: vote.

232. Where, upon any petition to set aside a municipal election or any application to quash a by-law, any question is raised as to whether the candidate or any voter has been guilty of any corrupt practices as defined by this Act, affidavit evidence shall not be used to prove the offence, but this case evidence shall be taken before the Judge presiding at the hearing of such petition or application. (Sec. 236, Municipal Act.)

Penalty for
corrupt
practices by
candidate.

233. Any candidate elected at a municipal election, who is found guilty by the Judge, upon a petition to set aside a municipal election, of any corrupt practice or corrupt practices, as aforesaid shall forfeit his seat and shall be ineligible as a candidate at any municipal election for two years thereafter. (Sec. 237, Municipal Act.)

234. Any person who is adjudged guilty of any of the offences within the meaning of sections 229 and 230 of this Act shall incur a penalty of twenty dollars, and shall be disqualified from voting at any municipal election or upon any by-law for the next succeeding two years. (Sec. 258, Municipal Act.)

Additional
penalties for
bribery etc.

235. The penalty imposed by the last preceding section or by any other section of this Act, in respect to which no special provision is otherwise made, shall or may be recovered, with full costs of suit, by any ratepayer of the City who may sue for the same on action of debt in the County Court of Winnipeg, and any person against whom judgment is rendered shall be ineligible either as a candidate or voter until the amount which he has been ordered or adjudged to pay is fully paid and satisfied. (Sec. 259 Municipal Act.)

Recovery of
penalties by
action.

Disqualifi-
cation on
judgments.

236. It shall be the duty of the Judge who finds any candidate guilty of contravention of sections 229 and 230 of this Act or either of them or who condemns any person to pay any sum in the County Court for any offence within the meaning of this Act to report the same forthwith to the City Clerk. (Sec. 260, Municipal Act.)

Judge to
report returns

237. The City Clerk shall duly enter in a book to be kept for the purpose the names of all persons who have been adjudged guilty of any offence within the meaning of sections 229 and 230 of this Act, or either of them, and of which he has been notified by the Judge who tried the case. (Sec. 261, Municipal Act.)

Book to keep
record of
persons
adjudged
guilty.

238. All proceedings other than a petition to contest an election against any person for any violation of sections 229 and 230 of this Act, or either of them, shall be commenced within four weeks after the municipal election at which the offence is said to have been committed, or within four weeks after the day of voting upon any by-law as aforesaid. (Sec. 262, Municipal Act.)

Limitations
of actions.

239. No pecuniary penalty or forfeiture imposed by this Act shall be recoverable for any act of bribery or corrupt practice at a municipal election, in case it appears that the person charged and another person, or other persons, were together guilty of the act charged either as giver or receiver, or as accomplice or otherwise, and that the person charged has previously been *ex officio* prosecuted upon other person or persons or any of them for the said act, but this provision shall not apply in case the Judge, before whom the person claiming the benefit thereof is charged, certifies that it clearly appears to him that the person so charged took the first step towards

No penalty
after previous
prosecution
of accomplice

Practice.

the commission of the offence charged, and that such person was in fact the principal offender (Sec 263, Municipal Act.)

Returning
Officer to
furnish deputy
returning
officers with
copies of
statutes
and lists

240. The returning officer shall, prior to any election or voting on any by-law, furnish each deputy returning officer with at least two copies of the sections of this Act numbered from 220 to 275 not inclusive, and shall also post a copy thereof in his office and in each post office in the City (Sec 264, Municipal Act.)

VOTING BY MACHINE OR MECHANICAL DEVICE

City may
adopt voting
by vote
machine
instead of
by ballot

240a. It shall be competent for the City, by by-law, to adopt in lieu of the ballot a system of voting by means of an invention called "The Macdonald Voting Machine." In such case the provisions of this Act relating to voting by ballot shall not apply and the provisions following or like provisions as aforesaid to altered circumstances shall govern —

Vote
ing
machines to
be furnished

(1) Where a poll is required the returning officer shall procure or cause to be procured, at the expense of the City, as many voting machines as there are polling subdivisions within the City.

How made

(2) The voting machines referred to in the last preceding paragraph and elsewhere in this Act shall be of the kind known as "The Macdonald Voting Machine," patented in the Dominion of Canada under No. 57508.

Cards bearing
names of
candidates for
polls to be
framed on
side of
boxes

(3) Immediately after the posting up of the names of the candidates under section 33 of this Act the returning officer shall, at the expense of the City, procure to be printed for each and every candidate, upon separate cards obtained for the purpose, the surname of each candidate in reasonably large type, with the address in full, place of residence and occupation of each candidate in smaller or smaller type, as to the method of printing the ballots now in use. The returning officer shall then insert such cards in the frames provided on the lids of the boxes in such manner that each machine shall show in such frames the names of each and all the candidates at such election, one card in each frame.

Testing
machines

(4) It shall be the duty of the returning officer to test or cause to be tested the accuracy of the different machines after which and after having two cards of the certificates inserted in the frames as provided in the next preceding section, he shall appoint a time for the candidates to inspect the same and shall give to each and every candidate forty-eight hours' notice thereof, which notice may be in the form in Schedule "H" to this Act and may be given by posting

up in the Clerk's office, and at the time appointed he shall produce all the machines to be used in such election, and allow each and all the candidates full opportunity to test the accuracy thereof, and if any inaccuracies or defect exists he shall forthwith remedy the same and shall then in the presence of the candidates lock two boxes and place his seal thereon with the seals of such candidates as may so desire in such manner that no box can be opened without breaking such seal, and thereafter such seal shall not be broken until the deputy returning officer shall break the same, as in this Act subsequently provided.

*Inspection of
machines by
candidates.*

(5) When it becomes necessary to use the voting machines for the purposes of an election, it shall be the duty of the returning officer, two days at least before the polling day to deliver one of the voting machines sealed and sealed to each deputy returning officer appointed for the purposes of the election, and such seal shall not be broken until immediately before the polling.

*Delivery of
machines to
deputy
returning
officers.*

(6) The voting machines, when returned to the Clerk after the election, shall be preserved by him for use at elections for the City, and it shall be the duty of the Clerk to have ready at all times as many voting machines as there are polling subdivisions in the City.

*Returning
Officer to
preserve for
future
elections.*

(7) If the Clerk fails to furnish voting machines in the manner herein provided, he shall incur a penalty of one hundred dollars in respect of every voting machine which he has failed to furnish in the manner provided.

*Penalty for
failure to
furnish
machines.*

(8) It shall be the duty of the deputy returning officer in every polling subdivision not supplied with a voting machine, within the time prescribed, forthwith to procure one to be made, and he may issue his order upon the Treasurer of the City for the cost of the voting machine, and the Treasurer shall pay to the deputy returning officer the amount of the order.

*Deputy
returning
officers to
procure
machines
within
specified
time.*

(9) Every polling place shall be furnished with a compartment in which voters can cast their votes screened from observation, and it shall be the duty of the returning officer and deputy returning officers respectively, to see that a proper compartment for that purpose is provided at each polling place.

*Compartments
wherein
voters may
cast their
votes.*

(10) The returning officer shall, before the opening of the poll, deliver or cause to be delivered to every deputy returning officer such number of printed directions for the guidance of voters in voting, as he may deem sufficient, and shall so deliver or cause to be delivered at least five copies of such printed directions. Such directions shall be printed in

*Returning
officer to
furnish
deputy
returning
officers with
directions for
voters
guidance.*

conscious characters, and may be according to the form in Schedule "I" to this Act.

Voting to be
by means of
voting
machine

(11) In case of a poll at an election of persons to serve on the Council, the votes shall be given by means of "The Macdonald Voting Machine," if so provided by a by-law of the Council.

Inspection of
machines at
opening of
poll

(12) The deputy returning officer shall, immediately before the commencement of the poll, break the seals, unlock and open the box and allow the representatives of each candidate to see that the machine is in accurate working order, after which he shall set the dials at zero and show the box to such persons as are present, and he shall then cover the dials, lock the box, and place his seal upon it in such manner as to prevent it being opened without breaking the seal, and raise and lock the stop-bar, and he shall then place the machine in position for the casting of votes.

Voting pellets
to be handed
by Deputy
Returning
Officer or
voter

(13) When the proper entries respecting the persons claiming to vote have been made in the poll book, in the manner presented, the deputy returning officer shall hand to each person as many voting pellets as there are candidates to be returned.

Depositing
the pellets.

(14) A person receiving from the deputy returning officer the voting pellet or pellets the person receiving the same shall proceed into the voting compartment and shall deposit the pellet or pellets in the circular opening in the lid of the box in the sector containing the name of the candidate or candidates for whom he wishes to vote.

Deputy
Returning
Officer to turn
crank after
pellet is
deposited

(15) Immediately after the voter has deposited his pellet he shall return into the presence of the deputy returning officer and such officer shall forthwith turn the shaft or crank holding the voting pellets so that the same may be released and enter the tubes provided, thus causing one vote to be registered for each pellet.

Excluding
from voting
subpartisans

(16) Whilst the voter is in any voting compartment for the purpose of casting his vote, no other person shall be allowed to enter the compartment or to be in any position from which he can observe the mode in which the voter casts his vote.

Proceedings
in case of
inability to
cast vote.

(17) In case of an application by any person claiming to vote, who is incapacitated by blindness or other physical cause from casting his vote, or in case of any person claiming to be entitled to vote who makes a declaration that he is unable to read, the proceedings shall be as follows, that is to say:—

(a) The deputy returning officer shall, in the presence of the agents of the candidates, cause the vote of such person to be cast in the manner directed by such person,

(b) The deputy returning officer shall state or cause to be stated in the poll book, by an entry opposite the name of such person, that the vote of such person is cast in pursuance of this section, and the reason why it is so cast,

(c) The declaration of inability to read or of incapacity to cast a vote shall be made by the person claiming to be entitled to vote at the time of the polling, before the deputy returning officer, who shall attest the same; and the said declaration shall be given to the deputy returning officer at the time of voting —

(d) The said declaration and attestation shall, respectively be in and according to the form following:—

"I, *A B* of _____, being numbered on the poll book for Ward No. _____, Polling Subdivision No. _____, in the City of Winnipeg, being a duly qualified elector for the said City of Winnipeg, do hereby declare that I am unable to read (or that I am from physical incapacity unable to cast a vote, as the case may be)

Dated the _____ day of _____ A.D. 19____

his
A. B. X
mark

I, *C D*, the undersigned, being the Deputy Returning Officer for Polling Subdivision No. _____, for the City of Winnipeg, do hereby certify that the above (or as the case may be) declaration having been first read to the above named *A B*, was signed by him in my presence with his mark.

Dated the _____ day of _____ A.D. 19____

C. D.,

Deputy Returning Officer
for Polling Subdivision No. _____,
in the City of Winnipeg.

(19) Immediately after the close of the poll in every polling place the deputy returning officer shall, in the presence of such of the candidates or their agents as may then be present, unlock the box, first dropping the snap-bar and locking the same down, he shall then read off and make a statement of the numbers shown on the dial, placing opposite the name of each candidate the number shown on the dial of the register attached to the tube placed under the Opening machine at close of poll.

opening in the section containing the name of such candidate. Such statement shall then be signed by the deputy returning officer, the poll clerk, if any, and such of the electors or their agents as may be present, and desire to sign the same, and shall be enclosed in a sealed packet, together with the voters' list and such other lists and documents as may have been used at such election, marked upon the outside with the date of the day of election and the name of the deputy returning officer and of the ward and polling subdivision and city.

**Certificate of
electors of poll**

(19) Every deputy returning officer, on being requested so to do, shall deliver to the person authorized to attend at his polling place a certificate of the number of votes given at that polling place for each candidate.

**Machines, etc.
to be delivered
to the
Returning
Officer**

(20) The deputy returning officer shall forthwith place such packet in the voting machine and personally deliver the same to the returning officer, and if he be unable to do so, owing to illness or other cause, he shall deliver such voting machine, containing such packet, to a person chosen by him for the purpose of delivering the same to the returning officer, and shall mention on the outside of the cover of the packet the name of the person to whom the same is being so delivered, and shall take a proper receipt therefor, and such voting machine shall be locked and sealed.

**Returning
Officer to cast
his votes and
declare who
is elected.**

(21) The returning officer, after he has received the voting machines and statements before mentioned of the number of votes given at each polling place, shall cast up the number of votes for each candidate from such statements, and he shall, at the City Hall, or some other public place at noon of the day following the return of such voting machines and statements, publicly declare to be elected the candidate or candidates having the highest number of votes, and shall also put up in some conspicuous place a statement under his hand, showing the number of votes for each candidate after making such declaration, the voting machines shall be returned with the contents and other documents to the office of the City Clerk.

**Machines and
statements then
to be delivered
to Clerk.**

**Counting up
votes when
election
interrupted**

(22) When a poll has been taken at any of such polling subdivisions, in which no election has been held for the reasons mentioned in sections 144 and 145 of this Act, and the statements hereby directed to be returned to the returning officer have been so returned to him, he shall cast up from the statements the number of votes given for each candidate for any office in respect whereof the election has not been previously declared, together with the votes appearing in the statements previously returned for other polling subdivisions to be given for each candidate, and shall at noon on the next day, at the City Hall or some other public

**Declaration of
election to be
made**

paper, publicly declare to be elected the candidate or candidates having the largest number of votes, which declaration shall be final, subject to any proceedings by way of contestation as provided by this Act.

(23) No officer, clerk or agent and no person whosoever shall interfere with or attempt to interfere with a voter when casting his vote, or otherwise attempt to obtain at the polling place information as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted. Interference with voters prohibited.

(24) Every officer, clerk and agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting, and shall not communicate or attempt to communicate any information obtained at such counting as to the candidate or candidates for whom any vote is given by any particular voter. Officers at counting of votes to maintain secrecy.

(25) Every person who acts in contravention of the two preceding sections hereof shall be liable, on summary conviction before a police magistrate or two justices of the peace having jurisdiction to imprisonment for any term not exceeding six months, with or without hard labor. Penalty for contravening two last sections.

(26) No person shall:— Offences.

(a) Fraudulently put into any voting machine any pellet other than the pellet when he is authorized by law to put in, or fraudulently use the pellets with which he is provided to vote for more candidates in any particular contest than can be lawfully elected.

(b) Fraudulently take out of the polling place any voting pellet in use at such polling place; or

(c) Without due authority destroy, take, open or otherwise injure, obstruct or interfere with any voting machine then in use for the purposes of election; or

(d) Apply for a voting pellet in the name of some other person, whether that name be of a person living or dead or of a fictitious person, or, having voted once and not being entitled to vote again at an election, shall apply at the same election for a voting pellet in his own name. This provision is not to be construed as including a person who applies for such voting pellet believing that he is the person intended by the name entered on the list of electors in respect of which he so applies.

(27) No person shall attempt to commit any offence specified in the next preceding sub-section number 26. Attempts.

(28) A person guilty of any violation of one of the two sub-sections 26 and 27 shall be liable, if he be the returning officer, Imprisonment.

officer, to imprisonment for any term not exceeding two years, with or without hard labor, and, if he be any other person, to imprisonment for a term not exceeding six months, with or without hard labor.

Money
penalty for
offences

(29) Every officer and clerk who is guilty of any wilful misfeasance, or any wilful act or omission in contravention of any of the sections of this Act in respect of voting by machine, shall, in addition to any other penalty or liability to which he may be subject, forfeit to any person aggrieved by such misfeasance, act or omission the penal sum of four hundred dollars.

Candidates
may under-
take duties of
an agent

(30) A candidate may himself undertake two duties which any agent of his, if appointed might have undertaken, or may assist his agent in the performance of such duties, and may be present at any place at which his agent may in pursuance of this Act be authorized to attend, but no candidate shall be present at the casting of a vote by an incapacitated voter or voter unable to read.

Expressions
referring to
agents

(31) When in this section or any of its sub-sections expressions are used requiring or authorizing any act or thing to be done, or referring that any act or thing is to be done, in the presence of agents of the candidates, such expressions shall be deemed to refer to the presence of such agents of the candidates as are authorized to attend, and as have in effect attended at the time and place where such act or thing is being done and the non-attendance of any agent at such time and place shall not, if the act or thing be otherwise duly done, invalidate in anywise the act or thing done.

Non-
attendance of
agents.

Expenses
incurred by
officers to be
refunded.

(32) The reasonable expenses incurred by the clerk, returning officer and other officers and clerks for printing, procuring voting machines, poll books, polling compartments and transmission of the packets required by this Act to be transmitted, and reasonable fees and allowances for services rendered under this Act, shall be paid to the returning officer by the Treasurer, and shall be distributed by the returning officer to the several persons entitled thereto. The Clerk shall not be entitled to any fee for services as returning officer.

Case of
machines
failing to
work

(33) In the event of the machines becoming obstructed from any cause or otherwise failing to work, the deputy returning officer, in the presence of an agent of each candidate, shall break the seal on the box, open same and remove the cause of the obstruction, but he shall not uncover the face of the dials. He shall then relock and reseal the box.

MEETINGS OF COUNCIL.

Place of
meeting

241 The Council shall hold its meetings and transact all the business of the City within the City, unless otherwise

provided for by resolution of the Council (Sec. 265, Municipal Act)

242. At all meetings a majority of the whole number of ^{Quorum.} members required to constitute the Council, shall be necessary to form a quorum (Sec. 266, Municipal Act)

243. The Council shall hold its meetings openly, but ^{Open meetings of Council.} committee meetings may be held with closed doors, and no person shall be excluded from any open meeting except for improper conduct, and the Mayor or other chairman of the Council may expel and exclude from any meeting any person who has been guilty of improper conduct at such meeting (Sec. 267, Municipal Act.)

244. The members of the Council shall hold their first ^{First meeting.} meeting after the yearly elections on the first Tuesday in January in each year at the hour of ten o'clock in the forenoon, at the Council Chamber in the City Hall, unless the retiring Council shall have appointed by resolution some other place for such meeting and in case there is no quorum at the aforesaid hour such meeting may take place at any hour thereafter during the same day, as soon as there is a quorum (Sec. 268, Municipal Act)

245. No business shall be proceeded with at the first meeting of any Council until the declarations of office and qualification have been administered to all the members who present themselves to take the same, nor until there is a quorum. ^{Oath to be taken before commencing business.} (Sec. 269, Municipal Act)

246. In addition to the first meeting after the yearly elections there shall be as many meetings as the Council shall decide, and also such special meetings of the Council as are called under this Act. ^{Subsequent meetings.} (Sec. 270, Municipal Act)

247. When at any meeting of the Council there is no quorum present at the end of half an hour, the Council shall stand adjourned, and the Clerk shall enter in the minutes the names of the members present. ^{Adjournment when no quorum.} (Sec. 271, Municipal Act)

248. The Mayor shall preside at the meetings of the Council, or, in his absence, the members present may, fifteen minutes after the hour appointed, appoint a chairman from amongst themselves, and such chairman shall have the same authority and exercise the same functions in presiding at the meeting as the Mayor would have had or could exercise if present. ^{Chairman.} (Sec. 272, Municipal Act)

Maintaining
order

249. At all meetings the Mayor or chairman, as the case may be, shall maintain order and decorum and decide questions of order subject to an appeal to the Council. (Sec. 273, Municipal Act.)

Order of
business.

250. As soon as the Mayor or the chairman, as the case may be, has taken the chair, the minutes of the last preceding meeting shall be read by the Clerk in order that any mistake therein may be corrected by the Council, after which reading and correction, if any, the said minutes shall be confirmed and signed by the Mayor or chairman, as the case may be, and the Clerk, the Council shall then proceed to business in accordance with the by-law regulating the same. (Sec. 274, Municipal Act.)

Majority to
decide on

251. Every disputed question shall be decided by a majority of the votes of the ~~Aldermen~~ present, except that in case where, in conformity with the provisions of this Act, another number of votes is required to carry the matter. Provided that no question once decided shall be reversed without notice from at least one meeting to another, and without a majority of the whole Council voting in favor of such reversal. (Sec. 275, Municipal Act.)

Notice and
Vote required
to reverse
decision.

Voting
obligatory

252. Every member of the Council, except the Mayor or chairman, who shall be present when a question is put shall vote thereon, unless a majority of the Council then present excuse him. (Sec. 276, Municipal Act.)

Casting vote.

253. The Mayor or the chairman of any meeting of the Council shall not vote except when there is an equality of votes exclusive of his own vote, in which case he shall have a casting vote. (Sec. 277, Municipal Act.)

Voting to be
open.

254. The votes shall, in all cases, be taken by open voting, and the votes shall be recorded in the minutes of the proceedings of the Council if required by any member or by any by-law of the Council. (Sec. 278, Municipal Act.)

See not heard from - X on fly leaf

Interested
persons ex-
cluded from
debate.

255. No member of the Council shall take part in the discussion of any question in which he has a personal and pecuniary interest beyond his interest as an ordinary ratepayer, nor vote on the same, but this section shall not apply to the appointment of the Mayor or to the naming of committees. (Sec. 279, Municipal Act.)

Receiving
petitions

256. The Council shall receive any petition sent to such Council, and have the same read in Council, whether presented by the Clerk or by a member of the Council or any ratepayer of the City. (Sec. 280, Municipal Act.)

— members of the Council (1907)

2. + the voting for the members of any Standing or Select Committee or to any appointment in the gift of the Council, may be by ballot in the manner prescribed by resolution of the Council
- 65th Ed. 10 Chap 48 Sec. 78 (1907)

257 Every one who is entitled to be heard before the Council or its committees may be so heard in person or through any other person acting on his behalf. (Sec 281, Municipal Act.) Hearing of parties.

258. The Council may appoint committees composed of as many of its members as it shall judge convenient, and may delegate to them its powers respecting the examination of any question, the management of any business or particular kind of business, or for the execution of certain duties, but the committees shall render accounts of their labors and decisions by reports signed by their respective chairmen, or by a majority of the members present who compose said committees, and no report or order whatever of a committee, except such orders as may be authorized by by-law or resolution, shall have any effect until it has been adopted by the Council at a regular or special meeting. (Sec 282, Municipal Act.) Delegation of powers to committees.

Committees reports to have no force until adopted.

259 The Council shall not be deemed dissolved by the fact of any session or meeting thereof not having taken place. (Sec. 283, Municipal Act.) Default in meeting not to dissolve.

SPECIAL MEETINGS.

260. Special meetings of the Council may be convened at any time by the Mayor or by one-fourth of the members of the Council, by giving before the day of meeting a reasonable notice of such meeting to all the members of the Council; said notice shall be verbal or in writing, and, if in writing, mailed to the address of the members of the Council, and shall contain notice of the subjects which are to be taken into consideration. (Sec 284, Municipal Act.) Convening special meetings.

261 Special meetings shall be held at the ordinary place of meeting of the Council at the hour fixed for ordinary meetings, unless otherwise determined by the notice of the meeting, by an adjournment or by a by-law of said Council. (Sec. 285, Municipal Act.) Place of meetings.

262. The Council, before proceeding to business at such special meeting, must, if such be the fact, set forth and declare in the minutes of that special meeting, that the notice of meeting has been issued in conformity with the requirements of this Act to all the members of the Council who are not present at the opening of the sitting. (Sec 286, Municipal Act.) Record in minutes.

263. If on the opening of the special meeting it appears that the notice of meeting has not been sent to all the members, no business shall be transacted at the meeting, but Effect of want of notice.

the presence of any member of the Council shall have the effect of waiving the necessity of notice so far as he is concerned. (Sec. 287, Municipal Act.)

Adjournment at special meetings.

284. At a special meeting no other subjects or matters than those mentioned in the notice calling the meeting shall be taken into consideration. (Sec. 288, Municipal Act.)

Adjournment.

285. Any ordinary or special meeting, when there is a quorum, may be adjourned by the Council to any other hour of the same day or to a subsequent day, without it being necessary to give notice of such adjournment to the members who were not present, but, ~~unless the adjournment be from day to day~~, a notice of such other adjournment shall be given, as in the case of a special meeting, to all the members of the Council. (Sec. 289, Municipal Act.)

OFFICERS OF THE CORPORATION

Head of City.

286. The head of the City shall be the Mayor thereof. (Sec. 290, Municipal Act.)

Power to veto by-laws, etc.

287. The Mayor shall, in addition to all other powers, have the power to veto all and any by-laws, resolutions and measures adopted or passed by a vote of the Council, authorizing the expenditure of money, at any time within ~~twenty-four~~ *forty eight* hours after the time of the adoption or passing of the same by the Council, by giving to the Clerk notice thereof in writing. Provided, however, that such veto may be removed or overruled by a two-thirds vote of the Council at any subsequent meeting. (Sec. 291, Municipal Act.)

Duty of Mayor.

288. The Mayor shall be the chief executive officer of the City, and it shall be his duty to be vigilant and active at all times in causing the law for the government of the City to be duly executed and put in force; to inspect the conduct of all subordinate officers in the government thereof, and, as far as may be in his power, to cause all negligence, carelessness and positive violation of duty to be duly prosecuted and punished; and to communicate from time to time to the Council all such information, and recommend such measures within the powers of the Council, as may tend to the improvement of the finances, health, security, cleanliness, comfort and ornament of the City. In case of the absence from the City or illness of the Mayor, the Council may by resolution appoint from among their number an acting Mayor, who shall, while so acting, have all the powers of the Mayor. (Sec. 292, Municipal Act.)

Appointment of Acting Mayor.

288a (See no fold next page)

- if the adjournment be for a period of three days or more

of said School District of Winnipeg shall forthwith surrender possession of all the school property located within each said institution as institutions, and the School District of Winnipeg shall assume the institution for school purposes of each said institution or institution, and in case of any dispute as to the payment to be so assumed, then such dispute shall be determined by the Department of Education, and its decision shall be final and binding on all parties.

26. Section 4 of the Charter is hereby amended by inserting after the word "mayor" in the last line thereof the words "and trustees", and after the words "mayor of" in the eighth line thereof in the case of mayor and controllers, two thousand dollars, and in the case of school-board,

Board of Control

27. Said Charter is hereby amended by adding thereto the following sections:

28(a). Notwithstanding anything to the contrary to the contrary of the City of Winnipeg the members of the mayor and four controllers as a elected municipality, the city at large and four wards, the members of the council shall be elected from each of the four wards of the city and the four members of the council together with the mayor shall be the board of control for the said city and the mayor shall be the chairman thereof.

(1). Each elector entitled to vote for mayor shall also be entitled to vote for four persons to be elected as controllers, and for one or more thereof, and the names shall be voted in the manner as provided previously in the municipal elections entitled to vote in each of the wards in which they may be qualified so to vote.

(2). The candidates for the office of controller shall be nominated at the same time and place and in the same manner as candidates for the office of mayor as provided in the provisions of this Act providing for the nomination and election of a mayor, providing election by nomination and the filing of any person that may occur in connection therewith, except as otherwise provided herein, must comply with the provisions of the nomination and election of controllers.

(3). Any person leaving to vote for a controller or for controller shall do so by placing a cross opposite the name or names of the candidates for whom he so desires to vote.

(4). The council may fix by law the salaries to be paid to the members of the board of control, but the same shall not exceed, for mayor, five thousand dollars, and for

by law No. 3631 should be for further safety and security, ratified and confirmed and made binding upon the corporation. It is therefore enacted as follows:

14. The by-law of the City of Winnipeg, No. 3631, copies of which is fully set forth in schedule A to this Act, is hereby ratified and confirmed and it is declared to be a by-law duly passed and enacted by and binding upon the City of Winnipeg and each and all officers and members of the council hereafter created by the City of Winnipeg, and each order and by virtue of the said by-law shall create a lien in the hands of the holder thereof, binding upon the said City of Winnipeg, according to the tenor and effect of each thereof;

15. The City of Winnipeg is hereby authorized and empowered to enter upon any street and highway within its limits and from time to time thereon and thereinto to inaugurate, build and construct systems of gas works for such part of a system of gas works as the City may from time to time hereafter decide, and for this purpose the City may from time to time make such excavations and constructions and put such erections and obstructions as are upon any such street and highway, as may be necessary for the building and completion of the said works or in connection therewith.

(c) [The City of Winnipeg may] purchase the whole or any portion of the system of gas works of any company or concern as may be agreed upon, and may use the moneys to be borrowed upon the debentures mentioned in this section for the purpose of the building or construction of the said gas works system, or any part thereof and for the purpose of purchasing the gas works system of any gas company or concern, or a portion thereof or partly of each thereof, provided that in any such case no such purchase shall be made unless for each purchase made be appropriated to and received the amount of the City's annual tax thereon as in the case of money by laws under said Charter;

16. The City of Winnipeg may at any time hereafter commence the building or construction of the said gas works system and may proceed with the said construction and completion thereof and may at any time purchase the said gas works system or any portion thereof above mentioned.

25. It is hereby declared that any territory taken from another municipality and added to the City of Winnipeg since the first of March, 1903, shall be and become a part of the City of Winnipeg, Manitoba, and the territory

each controller, four thousand dollars, per annum. The salary that the mayor shall receive as member of the board of control, shall not be in addition to the salary received by him as mayor.

10. Where at any such election in the city less than four controllers are to be elected, then each elector shall have the right to vote for as many candidates as are to be elected.

Where at any such election less than four controllers are to be elected.

11. All powers, duties and obligations given, conferred or placed upon a termen in the city shall be possessed and exercised by, and shall be binding upon, any controller provided for under this section.

Powers and duties termen as chairs of elections

Section 12. It shall be the duty of the board of control—

Duties of board.

a. To prepare an estimate of the proposed expenditure of the year and certify the same to the council for its consideration. The council shall not appropriate or expend, nor shall any other thereof expend or commit the expenditure if any such estimate not presented or approved by said estimates, prepared by any person, or any person's estimates, is certified by the board to the council within the affirmative vote of a majority of the members of the council, authorizing such additional appropriation or expenditure. But this prohibition shall not extend to the payment of any debt or other debt or liability lawfully contracted and payable, nor to the interest thereon.

To prepare and estimate

By action of a majority of the council, by any person, or any person's estimates, prepared by any person, or any person's estimates, is certified by the board to the council within the affirmative vote of a majority of the members of the council.

b. To prepare specifications for and award all contracts, and for that purpose to call for all tenders for works, material and supplies, implements and machinery or any other goods or property required and which may lawfully be purchased for the use of the corporation, and to report their action to the council at its next meeting. In preparing any tenders the chairman or clerk shall require the presence of the head of the department or sub-department with which the subject matter of such tender is connected, and of the city solicitor when required. Such head of department may take part in any discussion at the board relating to such tenders, but shall not be entitled to vote. The council shall not unless upon an affirmative vote of at least a majority of the members of the council reverse or vary the action of the board of control in respect of such tender and decision of the board thereon, when the effect of such vote would be to increase the cost of the work or to award the contract to a tenderer other than that one to whom the board of control has awarded it.

To award and to call for

Chairman or clerk shall require the presence of

Chairman or clerk shall require the presence of the head of the department or sub-department with which the subject matter of such tender is connected.

Statement of
the work and
progress in
detail.

(c) To inspect and report to the council monthly or oftener upon all municipal works being carried on or in progress within the city;

To prescribe
rules of
departments
and sub-
departments
and make
departmental
and sub-departmental
reports and
transmission of
information.

d. The board may be composed of heads of departments and sub-departments in case of any vacancy and after a vacancy is reported by the head of the department and after closure of the corporation required to be appointed by the mayor two-thirds of the members and any other permanent officers, clerks and assistants shall be authorized for creation of any offices and clerks and a board of representatives of sub-departments or their permanent officers with a majority of at least two-thirds of the appointed by the council in the permanent work transmission without an affirmative vote of a vote of a majority of the members of the council, but the vote shall be a majority of a majority and a majority of the board of control for transmission.

Statement of
progress in
departmental
work.

e. The board may report any head of a department and make that report such persons or suspension to the council. Where any head of department has been found to be incompetent or negligent or incapable or terminated by the council, a majority of an affirmative vote of at least two-thirds of the members of the council, removal.

Statement of
progress in
departmental
work.

f. In the absence of any law of the council prescribing the mode of appointment of any any other subordinate officers, clerks assistants, employees, clerks and assistants and clerks and assistants of any and of the persons and clerks and assistants of any department or sub-department for the day and present, including and performance of the duties and work thereof the board may by majority of a majority of at least two-thirds of the members of the council, appoint, engage or employ such subordinate officers, assistants, employees, clerks and assistants shall be appointed, engaged or employed.

To make
departmental
reports and
sub-departmental
reports and
transmission of
information.

Statement of
progress in
departmental
work.

g. The board may from time to time submit proposed changes in the council and where a majority of the board it is desirable may amalgamate departments or sub-departments.

Statement of
progress in
departmental
work.

h. The board may appoint a secretary or clerk, whose duty shall be to keep minutes of all proceedings of the board and to make reports and other proceedings of the board and to take up such other duties and accounts as may be assigned to him from time to time by the board, the mayor or the council.

Statement of
progress in
departmental
work.

i. The council may by law or resolution assign upon or assign to the board of control such other duties as to the council may seem most and the board shall, when so

required by resolution of the council, and upon one week's notice thereof, return to the council copies of the minutes of its meetings and any other information in their possession which the council may require.

(6) Nothing in this section contained shall prevent the council by vote of the majority of the members of the council present and voting from referring back to the board of control any report, question, matter or thing for consideration.

Referring back must be by council

(7) In all cases where it is sought in council to reverse, set aside or vary the action of the board of control, or where a majority vote of the members of the council present and voting is required for any purpose, the vote by yeas and nays shall be recorded in the minutes of the council.

The voting should be done and nays be recorded

(8) The public school board, the board of police commissioners and the police parks board or any other board that may hereafter be constituted, except as provided in this act, shall report to the said board of control on or before the first day of March in each year their several and respective annual estimates.

Other bodies may be created and report on 1st March

(9) Clause (d) of subsection (1) of this section shall not apply to any member of the fire department of the city, except the head thereof nor to any assessor except the assessment commissioner, and nothing in this section, nor in any other act, shall deprive any head of department of the power which he possesses on the first day of January following to hire and to dismiss, or otherwise, to dismiss any subordinate officer, clerk or employee.

Excluded from sub-section (1) of this section are the fire department and the assessment commissioner

Head of department may hire and dismiss

(10) Notwithstanding anything in the Winnipeg Charter contained the duties herein assigned to the board of control shall be discharged exclusively by the said board, except in the cases provided for in subsection (3) of this section.

The duties of the board of control shall be discharged exclusively by the board

23. The two last preceding sections of this Act shall only come into force after the submission by the council of a by-law to the ratepayers of the city signed in first place by the mayor and a majority under the Winnipeg Charter will come into force as at a late date to be fixed by the city council not later than the fifteenth day of October 1906. Such by-law shall submit the question of assenting and dissenting to the said elections in the forty following or to the like effect:

See clause 23 of Act 1905. The council may submit a by-law to the ratepayers of the city signed in first place by the mayor and a majority under the Winnipeg Charter will come into force as at a late date to be fixed by the city council

A by-law passed in addition to the membership of the city council of four contributors, in the number and with the powers and duties as set out in sections 14 and 15 of the Act 1905, for the amendment of the Winnipeg Charter enacted by the Legislative Assembly in the session of 1904. If in favor mark a cross in the space following "Yes." If against in the space following "No."

Question for the ratepayers to be decided

If majority in affirmative on "B" and "C" to enter into force on July 1, and construction to be started in September following.

If the majority of votes so taken be in the affirmative, a certificate of the returning officer shall be filed with the Clerk of the Executive Council, of Manitoba as to the result of said vote, and the same shall be final and subject to no appeal or challenge and it shall be in the affirmative as aforesaid, and sections 28 and 29 of this Act shall come into force on the tenth day of September, A.D. 1906, and at the next municipal elections and provisions shall be made for the election of the council, which shall consist of four controllers in addition to the mayor and aldermen already provided for.

~~29. Sections 1 to 25, both inclusive, and section 28 shall come into force on the day this Act is assented to.~~

SCHEDULE A.

By-law No. 1431

A By-law of the City of Winnipeg to create a debt of six hundred thousand dollars (\$600,000) and for the issue to that amount of Gas Works Debentures of the City.

Whereas it is deemed expedient and desirable to contract a debt of the City of Winnipeg for the sum of six hundred thousand dollars (\$600,000) and to issue debentures of the City to be known as "Gas Works Debentures" to that amount to represent the said debt for the purpose of constructing gas works for the City of Winnipeg, as authorized by its charter and for laying of pipes and making the necessary connections and paying the interest and other expenses and charges authorized by the said Charter;

And whereas it is intended to issue debentures, by the sale of which to realize the moneys necessary for the said purposes, making the said debentures extend over a period of thirty years from the date of issue,

And whereas the total amount required to be raised annually by special rate for paying the new debt and the interest thereon, the latter being computed at four per centum per annum, and for the sinking fund for the former interest being computed on the principal amount thereof at the rate of three and one half per centum per annum during each year of the period of twenty-one years beginning with the year 1907 and ending with the year 1927, a thirty-six thousand two hundred and sixty-seven 23 00 dollars (\$36,267 23). The interest being twenty-four thousand dollars (\$24,000) and the sum for sinking fund being twelve thousand two hundred and sixty-seven 23 00 dollars (\$12,267 23) it being directed that the construction of the works shall be completed about one year after the coming into force of this by-law thus making it unnecessary under the provisions of the Winnipeg Charter to make any levy during the year 1906 the interest upon payments made during construction computed up to the time of issue of the tenders herein to be paid from the proceeds of the said debentures,

And whereas there is reason to believe that after the completion of the said works the revenue from the same will enable the city to dispense with the levy referred to in the preceding recital,

THE CLERK.

269 The Council shall by by law appoint a Clerk, and the Clerk shall truly record in a book, without note or comment, all resolutions, decisions and other proceedings of the Council, and if required by any member present shall record the name and vote of every member voting on any matter submitted, and shall keep the books, records and accounts acted upon by the Council, and also the originals or certified copies of all by-laws and of all minutes of the proceedings of the Council: all of which he shall so keep in his office or in the place appointed by by law of the Council. (Sec. 283, Municipal Act.)

270 The Council may by resolution provide that, in case the Clerk is absent or incapable through illness of performing the duties of Clerk, some other person to be named in such resolution or to be appointed under the hand and seal of such Clerk, shall act in his stead, and the person so appointed shall while he so acts, have all the powers of the Clerk. (Sec. 294, Municipal Act.)

271 Any person may inspect any of the particulars aforesaid, as well as lists of electors, poll books and other documents in the possession of or under the control of the Clerk, and the Clerk shall within reasonable time furnish copies thereof to any applicant at the rate of ten cents per hundred words or at such lower rates as the Council appoints, and shall on payment of the proper fee therefor, furnish within reasonable time to any elector of the City, or to any other person interested in any by law, order or resolution or to his attorney a copy of such by law, order or resolution certified under seal and under the corporate seal of the City. (Sec. 295, Municipal Act.)

272 In case the Clerk neglects or refuses to allow any person to inspect any of the particulars aforesaid, or neglects or refuses to produce for inspection any of the said lists of electors, poll books or other documents as aforesaid or neglects or refuses to furnish copies of documents as aforesaid, he shall on conviction by a Magistrate or any Justice of the Peace, be liable for a first offence to a fine of not less than ten dollars, nor more than twenty dollars, and in default of payment to imprisonment for not less than five days nor more than twenty days, and for each subsequent offence to a fine of not less than twenty dollars, nor more than fifty dollars, and, in default of payment, to imprisonment for not less than ten days nor more than forty days. (Sec. 4, Cap. 23, 56 Vic.)

*Annual return
of names and
addresses of
affiliates to be
sent to
Municipal
Commissioner
alone*

273 The Clerk shall, on or before the first day of February in each year, transmit to the Municipal Commissioner the names and post office addresses of the Mayor, the Clerk, the Treasurer and the Assessment Commissioner for the current municipal year; and the Clerk refusing or neglecting to comply with this requirement shall incur a penalty of ten dollars, to be recovered with costs in the County Court of Winnipeg at the suit of any one who may sue for the same, and to be payable on recovery to the Provincial Treasurer, to form part of the Consolidated Revenue Fund of this Province; and such names and addresses when received by the Municipal Commissioner shall be published in *The Manitoba Gazette* for the information of the public and free of charge. (Sec. 206, Municipal Act.)

THE TREASURER.

*Appointment
of Treasurer*

274 The Council shall by by-law appoint a Treasurer, who shall be paid by salary, and the Treasurer before entering upon the duties of his office, shall give such security as the Council directs for the faithful performance of his duties, and especially for duly accounting for and paying over all moneys which may come into his hands, and it shall be the duty of the Council in each and every year to inquire into the sufficiency of the security given by such Treasurer and report thereon. (Sec. 208, Municipal Act.)

*Duties of
Treasurer*

275 The Treasurer shall receive and safely keep all moneys belonging to the corporation and all bonds and debentures issued by the City and undelivered to purchasers thereof or unsold and shall pay out the same to such persons and in such manner as provided in this Act and as the by-laws or resolutions of the Council direct, but no member of the Council shall receive any money from such Treasurer for any work performed or to be performed, except his indemnity as such member provided by law; and such Treasurer shall not be liable to any action at law for any moneys paid by him in accordance with any by-law or resolution passed by the Council, unless where another disposition is expressly made of such moneys by statute. (Sec. 209, Municipal Act.)

*By-laws
affecting
Treasurer*

276 The Treasurer shall conduct the business of his office and perform the duties thereof in the manner provided by by-law of the Council, except where such by-law is inconsistent with the provisions of this Act. (Sec. 300, Municipal Act.)

*Appointment
of Acting
Treasurer*

277 In case of a vacancy in the office of the Treasurer or of his absence from the City, or in case of sickness or other

inability to perform his duties, the Council shall, by resolution, appoint an acting Treasurer, who may be male or female, and the person so appointed shall, while he or she so acts, have all the powers of the Treasurer (Sec. 301, Municipal Act.)

278. No person shall be Clerk or Treasurer, except such person be of the full age of twenty-one years and a subject of His Majesty by birth or naturalization. (Sec. 303, Municipal Act.)

Treasurer etc.
to be of full
age and a
British
subject

ASSESSMENT

APPOINTMENT OF OFFICERS.

279. The Council shall appoint an Assessment Commissioner and not more than three assistants, one of whom shall be called assessors, and they shall constitute a board, the salaries to be paid to the said assistants shall be fixed by the Council at such rate, each per month, as the Council may deem just during the time they are employed, and the salary to be paid the said Assessment Commissioner, who shall be a permanent officer of the City, shall also be fixed by the Council. (Sec. 567, Municipal Act.)

Assessment
Commissioner
and assistants.

280. The assistants of the Assessment Commissioner, after their appointment by the Council, shall be under the control and supervision of the Assessment Commissioner, who shall have the right, irrespective of the Council, to suspend any assistant disobeying orders, or otherwise in his opinion violating the duties of his office pending the action of the Council; and during which period his salary and wages shall cease, and the said Assessment Commissioner may also during such suspension of any assistant, pending the action of the Council, employ another to fill his place. (Sec. 568, Municipal Act.)

Persons of
Assessment
Commissioner

TAXABLE PROPERTY AND EXEMPTIONS.

281. All lands shall be liable to taxation, subject to the following exemptions:—

Taxable
property
exceptions.

(a) Lands belonging to His Majesty, or held in trust for His use, or for the public use of the Dominion or this Province of Manitoba;

(b) Lands vested in or held in trust for the City;

Lands vested
in the City

(c) Every public school established or continued under "The Public Schools Act," every public hospital and every educational institution engaging in preparing pupils for the

Public schools
and certain
other
educational
institutions

examinations of and affiliated with the University of Manitoba, with in each case the land requisite for the use thereof, not exceeding four acres in any one instance;

Property of agricultural societies.

(d) All the buildings, with their appurtenances, and all the land necessary thereto, which buildings and land are actually occupied by and belong to any incorporated agricultural or horticultural society and are used solely for the purpose or benefit of such society;

Cemeteries.

(e) Every public burying ground not exceeding twenty acres,

Exemption from assessment.

(f) All land legally exempted from taxation by a by-law of the City;

Churches.

(g) Buildings, commonly called churches, erected or used for the regular stated places of worship of any religious denomination and the land in connection therewith not exceeding two acres in extent

Exemptions.

(h) Where any land mentioned in this section or any of the first five sub-sections is occupied by any person otherwise than in an official capacity, the occupant shall be assessed in respect thereof but the property itself shall not be liable.

Provincial and other lands liable to local improvement taxes.

(i) The lands mentioned in sub-sections (c) and (g) of this section shall be liable to special assessments for local improvements in the manner provided in this Act in ordinary cases of local improvement assessment, but that no lands held by His Majesty for the use of the Province of Manitoba and no public schools shall be sold for arrears of taxes.

Realty estate within but owned without city to be assessable.

282. All real property situate within, but owned out of, the City shall be liable to assessment in the same manner, and subject to the like exemptions, as other real property under the provisions of this Act. (Sec 9, Assessment Act.)

282, c + 282(b) are in the law

PREPARATION OF ASSESSMENT ROLL.

Assessment roll to be made.

283. Annually, the Assessment Commissioner shall, after diligent inquiry, and aided by any statement that may be mentioned in this Act or that may be furnished to him otherwise, proceed to make a valuation of all the rateable property in the City and according to his best judgment make assessment rolls in which he shall set forth correctly all the particulars and information required to be contained in order to comply with the forms in Schedules "E" and "D" to this Act, or to the like effect.

Form of general assessment roll.

284. The general assessment roll shall be in the form in Schedule "D" to this Act, or to the like effect, and shall

contain the description of all the rateable property in the City, save the ~~business-tax~~ assessment, hereinafter provided for, which shall be in the form of Schedule "E" to this Act, or to the like effect.

285. The ~~business-tax~~ assessment shall be made in a separate roll and may be made at a different time from the general assessment roll. The ~~business-tax~~ assessment roll may be returned or reported upon to the Council, by the Assessment Commissioner at a different time from that fixed for the return of the general assessment roll. A separate Court of Revision may be held at a time fixed by resolution of the City Council, and the hearing of appeals from the Court of Revision or by the Judge may be also at a different time from the hearing of the appeals in respect of said real property assessment, the two assessments being treated for all said purposes as separate and distinct. Such last mentioned assessment roll shall be open for inspection for a period of ten days, notice of appeal or complaint shall be given seven days before the day appointed for the sitting of the Court of Revision, and the business tax shall be due and payable fifteen days after notice or demand by the Tax Collector. In all other respects the inspection of the business tax assessment roll, the giving notice of appeal or making complaints, and the procedure for the revision and coming into force of such assessment roll, and for the preparation of a tax roll, based thereon and the collection of taxes, shall be the same as by law are now provided for the general assessment roll.

Business tax roll to be a separate one

May be reported on at a different time

Court of Revision provided for

To be open for inspection for ten days

In other respects to provide for revision for new work, otherwise as for general assessment roll.

286. The Assessment Commissioner shall set down in the general assessment roll, according to the best information to be had:—

General assessment roll to contain additional information.

(a) The names and surnames, if the same can be ascertained, of all taxable persons resident in the City who have taxable property therein, and of all non-resident owners who have given the notice in writing mentioned in section 292 of this Act and required their names to be entered in the roll

Names of taxable persons.

(b) The description and extent or amount of property assessable against each of such persons.

Description of property assessed.

287. When the assessor is unable to ascertain the name of the person who should be assessed in lieu of a deceased person, he may insert, instead of such name, the words "Representatives of A. B., deceased."

Property of deceased persons.

288. The Assessment Commissioner shall set down the particulars in separate columns, as follows:—

The several columns of the roll.

Column 1. The successive number on roll.

Column 2. Name (surname first) and residence of taxable person.

Inquiries at the Dominion Lands Office, etc.

288. It shall be the duty of the Assessment Commissioner to make such inquiries at the Dominion Lands Office, as well as at the Registry Office, and at the Land Titles Office, if necessary, as will enable him to assess all lands that have become liable to assessment (Sec. 14, Assessment Act.)

Information to be furnished gratis.

290. It shall be the duty of the officers in charge of the respective Provincial offices above named, when so required by the Assessment Commissioner or any of his assistants, to give him or them free of charge, all information he or they require respecting property situate within the limits of the City; when these officers are required, however, to give extracts or certificates from their office, then they may charge five cents per folio of one hundred words for all such extracts, and twenty five cents for each certificate. (Sec. 15, Assessment Act.)

Lands occupied by owners.

291. Lands occupied by the owner shall be assessed in his name. (Sec. 16, Assessment Act.)

Unoccupied lands.

292. Unoccupied lands may be denominated "lands of non residents," unless the owner thereof has a legal domicile or place of business in the City, or by himself or agent gives notice in writing, setting forth his full name, occupation, place of residence and post office address, to the Assessment Commissioner of the City on or before the first day of February in each year that he owns such land, describing it, and requires his name to be entered on the assessment roll therefor, and the said Commissioner shall assess unoccupied lands to the owner, if he is aware of his name. (Sec. 18, Assessment Act.)

Occupied lands.

293. It shall be the duty of the Assessment Commissioner where he finds lands occupied, to assess them in the name of the occupant as occupant or tenant, as the case may be, and as to the owner, if required by the latter to do so or if he can ascertain his name from the tenant or occupant or otherwise. (Sec. 20, Assessment Act.)

Proportions to be assessed to several owners or occupants.

294. When the land is owned or occupied by more persons than one, and all their names have been furnished to the Assessment Commissioner they shall be assessed therefor in the proportions belonging to or occupied by each respectively, and if a portion of the land so situated be owned by

parties who are unknown and who have not required their names to be entered on the roll, their portion of the property shall be assessed in the names of the occupants if occupied, and if unoccupied shall be entered as non-resident. (Sec. 21, Assessment Act.)

295. Such lands may be assessed in conformity with Schedule "D" to this Act, but the amount need be extended only once and opposite the name of the last owner on the list, and no division of the property shall be necessary for the purposes of assessment. (Sec. 22, Assessment Act.)

296. When the land is assessed against both owner and occupant, or both owner and tenant, the Assessment Commissioners shall place both names within brackets on the roll. (Sec. 23, Assessment Act.)

297. The assessment of lands shall be so made that taxation shall fall equally upon the same according to a pro rata value, and buildings shall be assessed at actual value. (Sec. 25, Assessment Act.)

298. All vacant lands, though surveyed into building lots, if unused as such, may be entered upon the assessment roll as so many acres of the original block or lot, describing the same by the description of the blocks or by the numbers of the lots, as the case may be. Provided that when one or more lots or blocks are assessed together, each lot or block shall be able for a proportionate share as to value of the amount of the taxes in power, and any person owning any of said lots shall be able to contribute his proportion of the tax to any person who may have been compelled to pay the same. (Sec. 26, Assessment Act.)

299. All buildings upon real estate in the City, whether owned by the owner of the real estate or by other persons, and all buildings which may be considered as tenants' fixtures and liable to removal by persons other than the owners of the real estate, shall be deemed and construed for the purpose of this Act to be real estate and shall be assessed along with the real estate to the owner of the latter. (Sec. 4, amendment, Assessment Act, 1893).

300. All pipes and other properties of gas and water companies, which have been heretofore and which shall be hereafter fixed in on or under the streets of the said city shall, for the purpose of this Act, be deemed real estate. (Sec. 5, amendment, Assessment Act, 1893.)

Lines of track,
etc., of Street
Railway Co.
deemed real
estate.

301 The lines of track, rails and other property of street railways, which have heretofore been fixed and placed or which may hereafter be fixed or placed on or upon any of the streets of the City, shall be deemed for the purpose of this Act to be real estate. (Sec 6, amendment, Assessment Act, 1893)

Pipes, wires,
etc., of tele-
phone, etc.
companies
deemed real
estate.

302 All poles, wires and other property and appliances of any electric light or electric power, telegraph or telephone company, placed on, upon or above the streets of the City, shall for the purpose of this Act be deemed real estate. (Sec 7, amendment, Assessment Act, 1893)

Capitalized
rental value

Who liable to
pay the business
tax.

~~303 Every person who and every firm, partnership, company or corporate body that carries on business in any way in the city as merchant, trader, manufacturer, banker, broker, money-changer, lawyer, physician, dentist, photo-grapher, auctioneer, carrier, watch, jewelry, hardware, and station goods dealer, horse stable keeper, taxider, land agent, commission agent, ticket agent, tourist seller, telegraph agent, telephone agent, importer of any kind, agent of any kind, or who carries on an insurance business of any kind, or acts as agent for any of the above mentioned businesses, or who carries on any other business, trade, occupation, manufacture, or business profession and also obtains men in season for a sum by way of capitalization of the rental value of the premises which he occupies in carrying on any of the businesses, professions, occupations or trades above mentioned, or which he uses for an office for such business, profession, employment or carrying on both thereof, to the end and intent that all persons, firms and corporations occupying premises not solely used as a residence for the owner, less or occupation or occupying the same, shall be liable to taxation for a sum equivalent to the capitalized rental value of the premises so occupied. (Sec 8, amendment, Assessment Act, 1893)~~

Capitalized

How to fix
amount of
assessment for
business tax.

304 In arriving at the amount for which each person, firm or corporation shall be assessed as above mentioned, the Assessment Commissioner shall capitalize the annual rental value and fix the amount of the assessment by multiplying said annual rental value by five, subject, however, to the following provisions, that is to say:—

Capitalized 100

Barbers,
blacksmiths,
carpenters.

(a) In the case of business premises occupied by barbers, blacksmiths, carpenters, photographers, land and sale stable keepers, and all other mechanics, artisans or workmen who do not carry stock of over \$250 in value, the capitalization mentioned shall be arrived at by multiplying

Capitalized 100;

~~the annual rental value of the premises so occupied by them and one-third~~

(b) In the case of retail merchants the said capitalization shall be arrived at by multiplying the annual rental value of the premises so occupied by four and one-sixth

Retail
merchants.

(c) In the case of barbers who maintain one or more bathrooms in connection with their business, a reduction from the foregoing capitalization shall be made in the proportion which the floor space of such bathrooms bears to the whole floor space occupied by such barber, provided that in no case shall more than 60 square feet be computed as the area of any one bathroom.

Barbers who
maintain bath
rooms.

(d) In all cases where the rental value of premises shall exceed 75 cents per square foot of the floor space of the building or part of the building occupied by the person so assessed, the Assessment Commissioner, in fixing the amount of capitalization above mentioned, shall fix the sum of \$3.75 per square foot for such floor space, and in estimating the floor space for the assessment above mentioned, the Assessment Commissioner shall compute the measurement from the inside of the walls of the building or apartment so occupied, measuring the entire superficial floor area within and over all the floors thereof except cellars used, however, by the party so assessed, under the premises so occupied, having no outside entrance for ingress and egress of customers, shall not be included in this assessment except when the floor area thereof exceeds the floor area above described. In case of such excess, the floor area of the cellar to the extent of such excess shall also be assessed at the rate aforesaid against the occupant to the full amount; that the occupant of the premises whether he uses such cellar in connection with his premises or not shall not be assessed upon a capitalization of rental which shall exceed \$3.75 per annum for each square foot of the floor surface of the premises occupied by him, not measuring such cellar except in case of excess cellar space as above provided for. (See S. 14, 1893)

Mode of
computing
capitalized
rental value.

(e) In all cases where the rental value of the premises shall be less than 30 cents per square foot of the floor surface of the building or part of building occupied by the person so assessed, the Assessment Commissioner in fixing the amount of capitalization above mentioned shall fix the same at the sum of \$1.50 per square foot for such floor surface, and in estimating the floor surface for the assessment above mentioned, the said Assessment Commissioner shall compute the measurement from the inside of the walls of the building or apartment so occupied, measuring the superficial floor area within and over all the floors thereof so occupied, cellars used, however, by the party so assessed under the premises

The law

Repealed in 1907

~~as occupied, having no outside entrance for ingress or egress~~ of customers, shall not be included in this measurement, to the end and intent that the occupant of the premises, whether he uses such cellar in connection with his premises or not, shall not be assessed upon a capitalization of rent which shall be less than \$1 50 per annum for each square foot of the floor surface of the premises occupied by him, not measuring such cellar. (1893, amendment Assessment Act.)

Different
businesses,
etc., ruled of
assessment

(f) Persons using and occupying premises for the following purposes shall be assessed in the manner provided in the first paragraph of this section, and paragraphs (d) and (e) shall not, nor shall either thereof, apply to any such person, viz.:—

Auctioneers.

(1) Offices and warehouses of auctioneers who are licensed as such by the City.

Manufacturers.

(2) Manufacturers whose establishments so assessed are chiefly and principally employed in manufacture or in mechanical labor.

Livery and
feed stables,
etc.

(3) Livery stable, and feed and sale stable keepers, transportation companies' stables and all other stables liable to taxation under this Act.

Occupants of
floors above
ground floor.

(4) Persons occupying floors of buildings above the ground floor, who do not in connection with such occupation use or occupy any portion of the ground floor on, or about on, the street level.

Wood yards,
etc., yards.

(5) Occupants of wood, coal, lumber, brick or stone yards or any other yard used for storage or for carrying on any business or any cattle or stock yards and all buildings on the same premises used in connection therewith.

Ice houses.

(6) Ice houses and storerooms for ice and offices, in connection therewith.

Skating and
other rinks.

(7) Skating, curling and other rinks, whether enclosed or not.

Warehouses.

(8) Warehouses and other premises used solely to warehouse goods where the goods are not open to inspection by customers and where the chief office or place of business of the occupant is not in the building so assessed. (Amendment, Assessment Act, 1893).

Licensed
hotels or
restaurants.

(g) (1) The occupant of every licensed hotel or restaurant shall be assessed for a gross sum by way of rental capitalization, which shall be equal to \$2 50 per square foot of all the floor space occupied by the bar-room, billiard-room and drinking rooms or stalls used in connection with the bar and billiard rooms, and in computing this space the Assessment Commissioners shall measure from the inside walls of

Repealed in 1907

306. The assessor, in assessing the properties of the street railway telegraph, telephone, gas electric light and electric power companies, which are in, upon or above the streets of the said city as hereinbefore mentioned, and the engines, boilers, dynamos and other plant used in the power house, generating house or building for generating transforming or distributing power, electricity or gas, shall not be called upon to value and shall not value, the same, but shall assess by entering in the general assessment roll in each year the value of such properties so in, upon or above the streets and the said plant in the said buildings in the following gross amounts

(a) Each company supplying gas for illuminating or other purposes for gain, as a valuation of the gas plant, the sum of \$300,000,

(b) Each company supplying electric light for gain, as a valuation of the electric plant, the sum of \$500,000,

(c) Each telephone company, the sum of \$500,000,

(d) Each street railway company, as a valuation of the street railway plant the sum of \$750,000;

(e) Each telegraph company the sum of \$40,000; provided however, the council may in any year or years reduce the said sum in regard to any telegraph company or companies by resolution or by-law.

687 Ed. 4th Chap 48 Sec 5 (1907)

the entire portion of the building so occupied and include all closets, halls and spaces within such walls, and, except as aforesaid, no licensed hotel shall be assessed by way of capitalization of rental.

~~—(2) This section shall not apply to any opera house, theatre, public hall, place of public amusement, place used for public meetings only, or any hall or place of meeting for social, political, friendly or other societies or bodies of people; or to any temperance hotel or boarding-house. (Sec. 8, amendment, Assessment Act, 1893 and 1896.)~~

Repealed in 1907

305. Every occupant of any building liable to taxation as set forth in this Act shall be liable for such assessment although he be the owner of the premises and liable to taxation as the owner of the real estate and the buildings. (Sec. 9, amendment, Assessment Act, 1893.)

Occupant liable to taxation through owner

~~—306. The assessor, in assessing the properties of water-works, street railway, telegraph, telephone, gas, electric light and electric power companies, which are in, upon or above the streets of the said City as heretofore mentioned, and the engine, boiler, dynamo and other plant used in the power house, generating house or building used in pumping, generating power, electricity or gas, shall not be called upon to raise and shall not value the same but shall assess by entering in the assessment roll in each year the value of such properties as in, upon and above the streets and the said plant in the said buildings in the following gross amounts:~~

Assessment of street railway and other companies.

~~—(a) Every gas company supplying gas for illuminating or other purposes for gain, the sum of \$50,000 in respect of its gas business.~~

Gas and electric light companies.

~~—(b) Every company supplying electric light for gain, the sum of \$40,000 in respect of its electric lighting business.~~

Electric light companies.

~~—(c) Each telephone company, the sum of \$30,000.~~

Telephone companies.

~~—(d) Each water and water-works company, the sum of \$150,000.~~

Water works companies.

~~—(e) Each street railway company, the sum of \$40,000 in respect of its railway business.~~

Street railway companies.

~~—(f) Each telegraph company, the sum of \$15,000.~~

Telegraph companies.

~~—Provided, however, the Council may in any year or years reduce the said sum in regard to telegraph companies by resolution or by law.~~

Proviso for reduction of assessment by Council.

Repealed in 1907 in re Section 307

~~—307. The values set out in the preceding section are based upon a population of the City of as the neighborhood~~

Population upon which assessment is based.

~~of 35,000 people, and, as soon as shown by the last revised assessment roll census of the City that the population of the City shall have reached 35,000, the Assessment Commissioner shall add to each of such gross sums a sum equalling 10 per centum of each thereof, and for each additional increase of 5,000 to 35,000 above mentioned of inhabitants as shown by such census the Assessment Commissioner for the following year shall add to the next previous assessment 10 per centum of the original assessment as fixed by the next preceding section of this Act. (Sec. 11, amendment, Assessment Act, 1893.)~~

Increase when population increases, rate of

street railway companies not to be assessed by way of capitalization of rental value.

Exception—offices.

308. None of the companies referred to in section 306 of this Act shall be assessed by way of capitalization of rental for any building or premises used by them solely for the generation of power in which the plant and machinery is exempted by this Act. But nevertheless telegraph and telephone companies shall be liable to assessment by way of capitalization of rental for the offices and other premises occupied. ~~(Sec. 12, amendment, Assessment Act, 1893.)~~

Repealed in 1897 by 60 of 1897

Notice of business tax assessment to be given

309. The Assessment Commissioner shall mail to the party assessed for business tax a notice as required by section 211 of this Act, which notice may be in the form of Schedule B to this Act or to the like effect. (Sec. 14, amendment, Assessment Act, 1893.)

Assessment subject to revision

310. The amount assessed by the Assessment Commissioner against occupants by way of ~~capitalization of rental as~~ above provided shall be subject to revision by the Court of Revision in the same manner as the assessment of real property is provided for in this Act, and an appeal shall be therefrom as in this Act provided. (Sec. 15, amendment, Assessment Act, 1893.)

Court of revision may correct errors and supply omissions.

311. In case of errors or omissions in assessments or in case of non assessment of occupants, the Court of Revision shall have full power to correct the same, and shall correct the same, and shall enter occupants who have not been assessed in the same manner and upon the same notice as is provided for correcting such errors and omissions in the assessment of real estate by this Act. (Sec. 16, amendment, Assessment Act, 1893.)

Companies not liable for levies of assessment upon public utilities.

312. The assessment of the various companies for gross sums in lieu of properties in, upon and over the streets of the said City, the assessment of occupants by way of capitalization of said rental value shall be subject to all levies made thereon by by-law or by-laws of the said City as any other assessment, except that these assessments shall not be

307. The values set out in the preceding section are based upon a population of the city of in the neighborhood of one hundred thousand people and, as soon as shown by the last revised assessment roll census of the city that the population of the city shall have reached 120,000, the assessment commissioner shall add to each of said gross sums a sum equaling twenty per centum thereof and for each additional increase of 20,000 to the 120,000 above mentioned of inhabitants, as shown by such census, the assessment commissioner for the following year shall add to the next previous assessment twenty per centum of the original assessment as fixed by the next preceding section of this Act

Increase of
amounts as
population
increases.

308. None of the companies referred to in section 306 of this Act shall be assessed, by way of business assessment, for any buildings or premises used by them solely for the generation transformation or distribution of power, electricity or gas in which the plant and machinery is assessed for a gross amount under that section. All such companies shall, however be liable to assessment by way of business assessment for the offices and other premises occupied by them.

The gross
assessments of
each company
are to be
added to
assessments

607 Ed. Rev. Chap. 48, Sec. 8 (1907)

business assessment

liable for any rates which have been or may be struck under any local improvement by laws wherein a particular portion of the City is assessed for local improvements, but this section shall not relieve any street railway company which has been or which may hereafter be liable under section 689 of this Act and so far as street railways are concerned that act or shall remain in full force and effect (Sec. 17, amendment, Assessment Act, 1893.)

313. All personal property of every nature and kind in and upon the premises for which the occupant has been assessed by way of capitalization of rental shall be ^{Personal property liable for taxes.} ~~liable~~ for the taxes due by such occupant while the occupant is so in possession of the said premises, and the taxes shall as a first charge thereon and shall take priority over every other lien or claim thereto, and may be seized while so upon the premises distrained upon and so as provided by this Act for the distress and sale of personal property for non payment of arrears of taxes, and the goods and personal property of the party so assessed as herein provided wherever they may be found within the City, shall be liable to be seized, and a lien upon and so as for arrears of taxes as is provided in section 368 and the following sections of this Act (Sec. 18, amendment, Assessment Act, 1893.) ^{Priority of lien.} ^{Distrain.}

314. Nothing in this Act contained shall be construed to make the above tax levied upon such occupants a charge upon the real estate or building so occupied, but such tax is levied in lieu of a tax upon personal property (Sec. 19, amendment, Assessment Act, 1893.) ^{Business tax not a lien upon real estate.}

315. In case of non payment of taxes levied upon any of the companies heretofore in this Act mentioned who have properties in this Act described as on, upon, under or over the streets of the City, and machinery and plant above described, after the collector has mailed the notice required by section 364 of this Act upon resolution of the Council authorizing the same, the collector may leave a notice at the office or chief place of business of the company in the City notifying the Company that, in case the taxes so in arrears are not paid within three months after the date of the leaving of the notice at the company's office or place of business, payment will be enforced by seizure and removal of the property of the company so defaulting which may be in, under, upon or over the streets of the City or the said plant and machinery (Sec. 20, amendment, Assessment Act, 1893.) ^{Remedies for non payment of business tax by companies.}

316. Immediately upon the expiration of the said three months' notice the Collector may issue his warrant to a bailiff ^{Distrain of property of companies.}

or constable, directing the said bailiff or constable to seize and take possession of the said property of the company so defaulting and remove the same from the street and sell the same after giving notice by advertisement for twenty days. (Sec. 21, amendment, Assessment Act, 1893.)

Sale, &c.

317. The said bailiff shall, upon receiving that warrant, forthwith take possession of such of the said property of the defaulting company as he can obtain possession of and shall take up, pull down, cut down and remove the same from the streets and lanes of the City and shall sell the same and return the proceeds thereof to the Collector having first retained thereout his own fees and charges, and in the execution thereof the bailiff may employ such assistance as he shall deem necessary in the performance of his duties. (Sec. 22, amendment, Assessment Act, 1893.)

Distress for business tax

318. In addition to the special powers given in this Act for the collection of the taxes, the City shall have all the powers for collecting the taxes, levied upon the assessments in this Act provided for, by distress action or suit as are given and provided for in this Act, and the properties described in section 306 of this Act shall be liable for sale for arrears of taxes in the same manner that real estate in arrears may be sold, and become absolutely vested in the purchaser, and the taxes accrued upon such property shall be a special and first lien and shall have a preference over every other lien, claim or incumbrance. (Sec. 23, amendment, Assessment Act, 1893.)

Property may be sold for arrears.

Lien.

GENERAL ROLL.

Assessment of lands.

Description and entry thereof in roll.

319. The Assessment Commissioner shall enter every piece or parcel of land upon the general assessment roll by a true and accurate description, and, where such piece or parcel of land consists or is composed of a fractional part of any lot or lots, the description thereof shall be made by the Assessment Commissioner on the assessment roll by such description that the parcels of land can be easily ascertained, if he can procure such a description from the Registry Office or Land Titles Office or from the owner of such parcel, or by the best description that can be obtained. (Sec. 28, Assessment Act.)

Land to be assessed in Ward where it sits.

Business tax assessment of non-resident.

320. Lands liable to assessment shall be assessed in the ward in which such property lies, and this shall include the lands of incorporated companies as well as other property; and when any business is carried on by a person in the City, and he does not reside therein, he shall be assessed for business tax in the City. (Sec. 29, Assessment Act.)

Repealed in 1907 C. 10

✓

Where a portion of any lot upon any plan of subdivision has been taken for a street or lane, or for right-of-way of any railway or for any other railway purpose, the remaining portion of the lot shall be properly described by the assignor giving its original number

457 Ed. 12, Chap 48 Sec 9 (1907)

X and it shall be the duty of every owner of real property and his agent to furnish to the assessment commissioner, upon his request a written statement showing the names and occupations of the tenants thereof, and the amount of the annual or monthly rent payable by each of them.' 617 Ed. M. Cap. 48 Sec. 12 (1907)

Penalty for failure to furnish information when demanded

333 In case any person neglects or fails to deliver to the assessment commissioner either of the written statements mentioned in the last preceding section, within one week after being required in writing by the assessment commissioner so to do, such person shall, be liable, upon conviction before a magistrate or justice of the peace, to a penalty of twenty dollars per day for each and every day default is made in delivery of the said statement or statements.

617 Ed. M. Cap. 48 Sec. 13 (1907)

Statement not binding on assessment and taxation board

334 The assessment commissioner shall not be bound by any such statement, and he shall make the assessments against such persons and for such properties, and to such amounts, as he deems just and right. Nothing in this Act contained, and, authorize the assessment or taxation of any property exempt from assessment and taxation under "The Railway Taxation Act" or exempt under any by-law or by laws of the city.

617 Ed. M. Cap. 48 Sec. 14 (1907)

321 For the purpose of assessment, real property shall include lands, buildings and improvements thereon, and all buildings and improvements thereon shall be assessed to the owner of the land, whether owned by him or not, and buildings when the same are upon some street, park or exempted lands, and are not themselves exempt, shall be assessed for the value thereof against the owner thereof, but no assessment shall be invalid by reason of any property having been placed or specified in the class or column of the assessment roll to which it does not belong, nor by reason of any error in the notice of assessment. (Sec. 31, Assessment Act) ^{interpretation real property}

322 It shall be the duty of every person assessable to give all necessary information to the Assessment Commissioner, and, if required by the said Commissioner, he shall deliver to him a statement in writing signed by such person, or by his agent if the person himself be absent, containing all the particulars respecting the property assessable against such person which are required in the assessment roll. (Sec. 40 Municipal Act) ^{Statement to give information}

At addition Y on 1

323 In case any person fails to deliver to the Assessment Commissioner the written statement mentioned in the last preceding section, within one week after being required in writing by the Assessment Commissioner so to do, such person shall, upon conviction before any Justice of the Peace having jurisdiction in and for the City, be liable to a fine not exceeding fifty dollars and costs. (Sec. 41, Municipal Act) ^{Penalty for refusal}

324 The Assessment Commissioner shall not be bound by any such statement if he have reason to doubt its accuracy, and shall assess such person for such amount of real property as he believes to be just and correct. (Sec. 42, Municipal Act) ^{Assessment Commissioner not bound by statement}

(8) Nothing in this Act contained shall authorize the assessment or taxation of any property exempt from assessment and taxation under "The Railway Taxation Act" or exempt under any by-law or by-laws of the City.

REPORT OF COMPLETION OF ASSESSMENT ROLLS

325 On or before the 14th day of May in each year the Assessment Commissioner shall report to the Council the completion of the assessment rolls. (Sec. 10 of amendment to Assessment Act, 1900) ^{date when rolls to be reported}

326 Before the assessment rolls can be reported to the Council they must be signed by the Assessment Commissioner. (Sec. 52, Municipal Act) ^{Rolls to be signed}

**Certificate of
Assessment
Commissioner
on rolls.**

327. To the said assessment rolls must also be attached a certificate signed by the said Assessment Commissioner and sworn or affirmed before a Justice of the Peace or Commissioner for taking affidavits or the Clerk of the City, in the following form, or as near thereto as may be:—

Form.

I (name of deponent) do swear (or solemnly, sincerely and truly declare and affirm) that, to the best of my knowledge and belief, the foregoing assessment roll is correct, and that nothing has been unduly or fraudulently omitted therefrom or inserted therein, and that I have given and sent, according to law, the notices required by law, and that the date of mailing such notices is in every case correctly stated in said roll. So help me God. (*Omit last four words if partly affirmed.*) (Sec. 53, Assessment Act.)

PENALTY—SAVING CLAUSES.

**Penalty in-
curred by
Assessment
Commissioner
neglecting
duties.**

328. If case the Assessment Commissioner, after having accepted the office, fails or neglects to perform his duties or to meet in his roll any of the information required by the form herein given, and which it shall have been in his power to obtain, he shall be liable to a penalty of five dollars for each such omission respectively, for the recovery of which an information may be laid or suit brought, and, on due proof that with reasonable effort and diligence such information could have been obtained, such penalty, with costs of prosecution or suit, shall be recoverable by a summary process before any Justice of the Peace residing in the City, or before the County Court of Winnipeg, said information may be laid or suit brought by any ratepayer of the City or by the Municipal Commissioner or by any one authorized by the Municipal Commissioner in that behalf, and such penalty may be recoverable by distress or otherwise, and when so recovered it shall be payable to the party laying such information or bringing such suit.

**Suit for pen-
alties.**

**May be re-
covered by
distress.**

**Limitation of
action for**

Provided, however, that no such information shall be laid or suit brought but within six months from the time of the report of the completion of said roll, and that any party laying such information or bringing such suit shall, on failure to prove the same, in the discretion of the Justice or Court trying the case, be liable to pay the costs of such proceedings. (Sec. 54, Assessment Act.)

Costs.

**Penalties pro-
scribed not to
interfere with
other re-
medies.**

329. Nothing in the last preceding section shall be held to interfere with any other remedy provided by law against the Assessment Commissioner for any neglect or breach of duty. (Sec. 55, Assessment Act.)

330 No assessment shall be invalid by reason of any defect in form, or by reason of omission of assessable property therefrom, or by error in the notice provided for in sections 329 and 331 of this Act, or by the non-report of the completion of the roll at the time specified, or by reason of any land occupied being wrongly entered as unoccupied or occupied, or by reason of any land belonging to persons having their legal domicile or place of business, or the legal domicile or place of business of their agent, in the City, or who have given the notice required by section 292 of this Act, being entered as land of non-residents or vice versa.

Defective forms, etc., in rolls not to invalidate.

NOTICE OF ASSESSMENT

331 The Assessment Commissioner shall send by mail to, or leave personally with, each person assessed, or his agent, a notice in the form in Schedule "G" to this Act or to the like effect.

Notice to be given by Assessment Commissioner on completion of roll to persons assessed.

332 The Assessment Commissioner shall enter in the assessment rolls the date on which he has mailed or delivered the notice required to be sent by him to each party assessed. (Sec. 58, Assessment Act.)

Entry of date of mailing or delivery of notice.

REVISION OF THE ROLL.

333 The Council shall decide the place, date and hour where and when the Council will sit as a Court of Revision. It shall be sufficient to express such decision in a resolution of the Council. The Court of Revision may consist of such members of the Council not less than four, as may be ordered by the Council, of whom three shall form a quorum. (Sec. 60, Municipal Assessment Act.)

Council to decide time and place of holding the Court.

Composition of Court.

334 So soon as the assessment rolls, or either of them, have been reported as complete to the Council, the Assessment Commissioner shall give public notice thereof and of the date at which the Council will sit as a Court of Revision, and such notice shall state where said assessment roll has been deposited, that it will remain open to inspection to all parties for fourteen days, that parties desiring to complain against the assessment roll must lodge their complaints in the office of the Assessment Commissioner within the fourteen days next after the report of the completion of said roll, and that the Council will sit as a Court of Revision on such date to examine said assessment and hear all such complaints in connection with the same. No such complaint shall be heard or considered unless notice thereof has been received within the time limited by this section. (Sec. 62, Assessment Act.)

Notice of placing of Court of Revision.

Mode of
giving notice.

335 Such notices shall be given and published by posting the same on the door of the Council Chamber and in four other conspicuous places in the City, and also, if directed by the Council, shall be published in at least two issues of a newspaper published in the City (Sec. 63, Assessment Act.)

Correction of
errors, &c.,
before sitting
of Court of
Revision.

336 Any errors or omissions found in the assessment roll before the sitting of the Court of Revision may be corrected by the Assessment Commissioner (Sec. 64, Assessment Act.)

Appels
against assessment
roll, or non-
assessment.

337 Any person whatsoever, whether assessed or not assessed may apply to the Court of Revision by way of appeal for a revision of the assessment rolls, or either of them, or any part of them whether it be to increase or reduce his own assessment or the assessments of somebody else, or to have entered, reduced or struck off any property of his own or somebody else, or to have properly described properties which have been inserted under a wrong description, or to have proper names put in instead of wrong names, and whether the error complained of be of omission or of commission. Such application must be in writing addressed to the Assessment Commissioner and must be left with such Assessment Commissioner ten days before the sitting of the Court of Revision, and must state the grounds and nature of the complaint, describing the property which is the subject of the complaint (Sec. 65, Assessment Act as amended, 1900.)

Assessment
Commissioner
may be
complainant.

338 The complainant may be the Assessment Commissioner (Sec. 66, Assessment Act.)

Complaints
to be
numbered.

339 The Assessment Commissioner shall number the complaints according to their roll numbers, respectively, in each ward. (Sec. 67, Assessment Act.)

Notice to per-
son complained
against.

340. In case of a complaint by one person against another, the Assessment Commissioner shall, besides the publication of the notice above mentioned, mail, within four days after the expiration of the time within which complaints can be received, to each person named in the complaint and in regard to whom the assessment is sought to be altered, or to his agent, a notice stating the nature of such complaint or proposed alteration, and of the place where and the date and hour when the Court of Revision will sit. No such notice shall be required to be sent to the complainant. When the address of any person complained against is not known to the Assessment Commissioner no notice need be sent. (Sec. 68, Assessment Act.)

341. For the purpose of revising the assessment roll and of deciding the complaints in respect thereto, the Council or such members thereof as have been appointed for that purpose, as provided in section 333 of this Act, shall, at the hour, day and place previously fixed by the Council, resolve itself into and sit as a Court of Revision, and all questions shall be decided by a majority of the votes of the members sitting. In the event of absence of a quorum the Mayor may fix a time for holding the Court. (Sec. 69, Assessment Act.) Sitting of
Court of
Revision.

342. The said Court of Revision shall be presided over by the Mayor, or, in his absence, by a chairman chosen from amongst the members present, and the Assessment Commissioner shall act as the clerk of the Court of Revision. In the absence of the latter it shall be lawful for the members of the Council, constituted as a Court of Revision, to appoint any other person to act as such clerk, and such clerk shall record the proceedings of such Court. (Sec. 70, Assessment Act, as amended, 1900.) President of
Court of
Revision.

Clerk.

343. It shall be the duty of the Court of Revision to examine said assessment rolls and to hear and determine, in the order in which they have been numbered in each ward by the Assessment Commissioner, the complaints filed within the time for receiving the same subject, however, to the provisions of the four following sections. (Sec. 71, Assessment Act, as amended.) Order of
hearing
complaints.

344. The Court of Revision may hear all complaints on the same day or, if thought advisable, adjourn from time to time or until all the complaints are heard or determined, but its work must be completed before the first day of June in each year. (Sec. 72, Assessment Act.) Adjournments.

345. In case it be thought expedient, the Court of Revision may, after having called a complaint in its order, postpone the consideration of the same to some future time, and the complainant or complainants shall, if requested by the Court of Revision, produce any books or documents or papers in his or their possession or control, answer all proper questions, and give all necessary information affecting the property under consideration. (Sec. 73, Assessment Act.) Postpone
consideration.

346. The Court of Revision may hear and determine any complaint, whether the complainant or the party against whom the complaint is made be present or not. (Sec. 74, Assessment Act.) Hearing in
absence of
parties.

Hearing of parties or witnesses.

347 After having heard the parties making the complaint and against whom the complaint is made, if they be present and if they wish to be heard, and also their witnesses if they produce any, under oath, which shall be administered by the clerk of the Court, and also the assessors, who shall attend all sittings of the Court, if they wish to be heard or if any person, coupaining or any member of the Court of Revision wish them to be heard, the Court of Revision shall insert in the assessment roll as it is, or raise or lower the assessment as shall seem just and expedient.

Provided.

(a) Provided that no charge in the assessment rolls shall be made except upon complaint and due notice thereof as required by this Act.

Power to set aside and order new assessment may be ordered by Court of Revision or Council.

(b) Provided further, that the Court of Revision during its session, or the Council at any time, may order a new assessment to be made of the whole City, or of any ward, block or other portion thereof, such new assessment shall not be subject to complaint or appeal of any kind except when the assessment is beyond the former assessment or is above the amount at which it was fixed on complaint or appeal from previous assessment. (See 75, Assessment Act.)

Evidence to be under oath.

(c) Provided, further, that all evidence before the Court of Revision shall be given under oath if required. (Sec. 3, Statutes, 1900.)

Subpoena for witnesses, how obtained.

(1) Any party to an appeal may obtain from the Assessment Commissioner a subpoena or subpoenas requiring the attendance of witnesses to give evidence before the Court of Revision at the hearing of such appeal or before the Corpn. Court Judge on the hearing of any appeal where he or which subpoena shall be signed by the Assessment Commissioner and any witness served with such subpoena and paid witness fees on the same scale as are payable in County Courts, shall be bound to attend and give evidence. (Sec. 3, Statutes, 1900.)

Witness fees, mode of.

Court to report to Council.

348 As soon as the roll or rolls has or have been examined and all the complaints made have been determined, the Court of Revision shall report the same to the Council. (Sec. 76, Assessment Act.)

Alterations and amendments.

349 Any alteration or amendment made in or to the assessment rolls shall be entered upon such roll or on a paper annexed thereto, with the initials of the chairman of the Court of Revision and those of the clerk thereof. (Sec. 77, Assessment Act.)

Revised rolls to be in force through out.

350 The assessment rolls, as finally passed by the Court of Revision, shall, except in so far as the same may be fur-

ther amended, on appeal to a Judge of the County Court of ^{amended on appeal.} Winnipeg, be in force and be valid and binding on all parties concerned, notwithstanding any defect or error committed in or with regard to such rolls or either of them, or any defect, error, or mis-statement in the notices required, or any omission to deliver, publish or transmit such notices, and notwithstanding anything required to be done has not been done within the specified time or times. (Sec. 78, Assessment Act.)

APPEALS FROM COURT OF REVISION.

351 If a person be dissatisfied with the decision of the Court of Revision, or with the omission, neglect or refusal of the said Court to hear or decide an appeal, he may appeal therefrom, in which case—

(a) He shall, with a ten days after the decision, in person or by a lawyer or agent, serve upon, or send by mail, registered to the Assessment Commissioner a written notice of his intent so to appeal to a Judge of the County Court, of Winnipeg, and said notice shall contain the grounds of appeal.

(b) So soon as the time allotted for notice of appeal shall have passed, the Assessment Commissioner shall forthwith notify a Judge of the County Court of Winnipeg as to any appeals, giving the name or names of the appellants and a succinct statement of the grounds of each appeal, and shall at the same time cause to be a time and place fixed for hearing said appeals, and upon receiving an appointment for such purpose from the Judge the Assessment Commissioner shall give notice to all parties concerned of the time and place so fixed for hearing such appeals, and in his notices to the parties appealed against he shall state the grounds of the appeal, and the Assessment Commissioner shall, without further notice, attend before the Judge on such appeals, with the assessment rolls, the minutes of the Court of Revision and all papers and documents bearing on the appeals.

(c) The party appealing shall, with his notice of appeal deposit with the Assessment Commissioner, as security for the costs of the appeal, the sum of two dollars for the first entry on the assessment roll, and one dollar for each additional entry if more than one, and said payments shall be taken into account by the Judge in dealing with the costs of each appeal.

(d) The Judge shall appoint a day and place for hearing the appeal, and, unless special reasons exist to prevent its selection, the place for hearing the appeal shall be at the Council Chamber in said City;

Notice by
Assessment
Commissioner

(e) The Assessment Commissioner shall cause a notice to be conspicuously posted up at his office, containing the names of all the appellants and parties appealed against, with a brief statement of the ground or cause of appeal in each case, together with the time and place at which a Court will be held to hear such appeals;

Proceedings
on hearing.

(f) At the Court so holden the Judge shall hear the appeal, and he may adjourn the hearing from time to time and defer the judgment thereon at his pleasure, so that a return can be made to the Assessment Commissioner before the fifteenth day of August

Witnesses.

(g) At such appeal witnesses may be produced by any parties interested, and the Judge shall hear them. (Sec. 79, Assessment Act.)

Judge's report
and proposed
changes thereon.

352. After the Judge has heard and determined all the appeals taken before him he shall make his report to the Assessment Commissioner, who shall for each make the changes ordered, to be made in the assessment roll and sign the same, and attach a copy of the report to the roll and file the original report for inspection of any ratepayer free of charge; but where no changes are made the Judge shall so certify by his report, and a copy of the same shall be attached to the roll by the Assessment Commissioner. (Sec. 81, Assessment Act.)

Judge's fees.

353. The Judge shall be entitled to receive from the Treasurer, upon making his return to the Assessment Commissioner, the sum of five dollars per day for his attendance at such Court while the same is actually sitting, for which payment the certificate of the Judge shall be sufficient warrant. (Sec. 82, Assessment Act.)

COMING INTO FORCE OF ASSESSMENT ROLL.

When rolls
devised finally
revised.

354. The assessment roll or rolls shall be held to be finally revised

When no
complaints
and no
changes.

(a) On the day of the report of the Court of Revision to the Council, if no complaint has been made and no changes have been made in the roll or rolls by the Court of Revision, or—

Where, here
no complaint
or change and
no appeal.

(b) If there has been any complaint or change made, at the expiration of the time given to take an appeal to the County Court Judge from any change made or decision rendered by the Court of Revision, in case of no appeal being taken during that time, or—

356a. The assessment commissioner shall, forthwith after the revision of the business assessment roll, prepare a business tax roll in which he shall, in addition to other information, insert the name of the person, firm or corporation assessed, and carry out in a separate column the amount of taxes chargeable at eight and one third per cent on each assessment, and the sum so shown shall be and create a debt due by the party so mentioned in the roll to the city, and that sum shall be the business tax payable by the party assessed.

Preparation
business tax
roll.

187 Cal. St. Cap. 448 Sec. 19 (1907)

(c) On the day on which the Assessment Commissioner made the changes and signed the roll or rolls on the report of the Judge, if there has been any appeal. (Sec. 83, Assessment Act.) In case of appeal

355. The said roll or rolls so finally revised shall be taken and held as the assessment rolls of the municipality for all purposes until a new roll shall have been made. (Sec. 84, Assessment Act.) Revised roll to be in force

PREPARATION OF TAX ROLL.

356. Upon and forthwith after the said final revision of the assessment rolls and the passing of the by-law levying the rate the Assessment Commissioner shall make out a general tax roll, in which he shall enter all the land and taxable property in the City comprised in the general assessment roll and whether the owner of such property is a "resident" or is a non-resident. Tax rolls
~~Said Assessment Commissioner shall also prepare a Business Tax roll in which he shall enter the names of persons, firms or corporations liable to business tax in said City.~~ General
 The said tax rolls shall contain columns for all the information required by this Act, or otherwise by law to be entered therein and in the said rolls shall also be set down the amount of each rate in separate columns headed respectively with the name or object of each such rate, such as "city rate," or "school rate," or otherwise, as the case may require; and also the names in full and occupation of every person entered by name in the assessment roll, or the word "non-resident" if the property assessed be so entered in the assessment roll; the name of the occupant or tenant and occupation as shown by the assessment roll, the description of the property assessed, the assessed value of such property as ascertained by the assessment roll and the rates levied for every purpose, and also, opposite the said assessed property or names or word "non-resident," the amount for which the person is chargeable for each purpose respectively, and the total amount required to be collected from or paid by each person or property in the assessment of that year for all the purposes for which a levy is required to be raised in the City; and every rate the proceeds of which are required by law or by the by-law imposing it to be kept distinct and accounted for separately, shall be so entered and calculated separately. Business tax

Notes are on fly-leaf
 357. The Tax Collector's roll for business tax shall in all respects be a separate roll from the general tax roll. Contents of rolls
Business tax roll to be a separate roll.

Provided, however, that it shall not be necessary in making out the said general tax roll to enter therein or copy from Tenants' names need not be entered

in tax rolls
unless tenant
taxed.

the general assessment roll the names of tenants of or on the assessed property, ~~unless each tenant has for himself or herself been assessed for business tax~~ (Sec. 110, Assessment Act, as amended by Sec. 4, Cap. 35, 1900, and Sec. 11, Cap. 35, 1900.)

Minimum tax
on any parcel
of land.

358. Where the assessable value of any parcel or parcels of land according to the assessment roll is so small that the rate imposed will not subject such parcel or parcels of land to the payment of as high a tax as the sum of twenty-five cents, each and every of such parcel or parcels of land shall be taxed the sum of twenty-five cents, and such sum shall be placed on the tax roll against such parcel or parcels of land (Sub-sec. (a), Sec. 4, Cap. 35, 1900.)

Column for
arrears.

359. The said tax rolls shall also have a column in which shall be entered any arrears of taxes due on or in respect of any land or other property or arrears of business taxes, and said arrears shall be set down opposite the name of the person, or opposite the word "non resident," for land or other property so entered in the assessment rolls as liable therefor

A return return
to be made to
Department of
Agriculture.

360. The Assessment Commissioner shall in each year, within one month after the final revision of the assessment roll, under a penalty of twenty dollars in case of default, make a return to the Municipal Commissioner, on schedules or forms furnished, by the said Municipal Commissioner of such statistics or information as the assessment roll or other records of his office afford and as such schedules or forms call for. (Sec. 297, Municipal Act.)

COLLECTOR APPOINTMENT OF

Appointment
of collector.

361. It shall be lawful for the Council to appoint by by-law a Collector of Taxes as a permanent or temporary officer, if thought necessary and expedient, and when appointed he shall be the collector for all the taxes within the limits of the City (Sec. 128, Assessment Act.)

Searches by
collector.

362. The Collector shall have the right to search the records of any Registry Office or Land Titles Office for the purpose of obtaining information necessary for his office, without charge (Sec. 129, Assessment Act.)

COLLECTION OF TAXES.

Collector to
keep rolls.

363. ~~When the said tax rolls are completed they shall be given to and remain in the hands of the Tax Collector for collection.~~ (Sec. 110, Assessment Act.)

Repealed in 1900 See opposite

363 When each of the said tax rolls is completed, it shall be given to and remain in the hands of the tax collector for collection. ^{Collector to have tax rolls.}

647 Ed. Vis. Chap 48 Sec 21 (1907)

§ " Notwithstanding anything
 contained in this Act, or any amendments thereto the coun-
 cil may pass a by-law or by-laws directing that the assess-
 ment commissioner, in preparing the general assessment
 roll, may mass the same into two separate and distinct rolls,
 one roll to contain the ordinary or general taxes and school
 taxes, and the other roll to contain the special taxes, in-
 cluding local improvement taxes and the said rolls pre-
 pared in pursuance of such by-law or by-laws shall be valid
 and binding, and the collector of taxes shall forthwith,
 upon receipt of said rolls or either of them proceed to col-
 lect the taxes as shown on said rolls and the council may
 by by-law fix and allow a reduction for prompt payment.

407 Ed. 60 Chap. 48 Sec. 24 (1907)

date & dates respectively for each by-law or by-laws } 1907 _____
 of the council for

As soon as such roll is received by the collector for his
364. ~~As soon as the tax-rolls are completed the Collector~~ *Notice and demand of taxes.*
 shall, with all due despatch and at least thirty days prior to the last day upon which discount is allowed for payment, when any discount is allowed by the Council, and ~~in any case not later than the first day of November~~ in each year, transmit by post a notice containing a statement and demand of taxes to each person whose name appears on said roll, or to the agent of such person whose address has been transmitted to him; and such statement and demand shall mention the time when such taxes are required to be paid, and when the reductions and penalties therein mentioned will be allowed and charged, and the said Collector shall enter the date of mailing such notice in said tax rolls opposite the name of the person taxed, and such entry shall be prima facie evidence of the mailing of such notice and demand, but any omission or error in such notice or failing to mail the same within the time specified shall not invalidate any taxes levied or receive any person from the payment thereof. (Sec. 114, Assessment Act.)

365. On the back of each such notice there shall be printed a brief summary of the principal provisions of "The Vital Statistics Act," or of any amendments thereto, as regards the times of the general public in reference to the registration of births, marriages and deaths, in such form as from time to time may be prepared by the Department of Agriculture and Immigration. (Sec. 115, Assessment Act.) *Information therein.*

366. The Collector shall, if directed by resolution of the Council, also give notice in a newspaper published in the City, in such manner as the Council may direct, in respect to the time and place of payment of such taxes and such other general particulars as are contained in the notice of demand aforesaid. (Sec. 116, Assessment Act.) *Council may direct further notice to be given.*

367. The Council may by by-law make the taxes payable by instalments at such times as they may think proper, and fix and allow a reduction for prompt payment of taxes, whether payable by instalments or otherwise. (Sec. 117, Assessment Act.) *Taxes may be made payable by instalments.*
See addendum on p. 107

368. Upon all taxes remaining due and unpaid on the ~~thirty-first day of December~~ of the year in which such taxes were levied, there shall be added, at the beginning of each month thereafter, as a penalty an additional sum amounting ~~to the tenth~~ *3%* of one per cent of such taxes. This section shall apply to all taxes, including those levied by special rate, such as frontage tax for street improvement or otherwise. (Sec. 118, Assessment Act, amendment, 1 Ed. VII.) *Penalties for non-payment of taxes.*
Increased tax and (1907)

Distress and sale of goods for taxes.

369 In case a person neglects to pay his taxes for thirty days, after the mailing to such person or his agent of the notice required by section 364 of this Act, the City shall have the right to levy the same, with costs, by distress and sale of the goods and chattels of the person who ought to pay the same, or of any goods and chattels in his possession wherever the same may be found; or of any goods and chattels found on the premises in respect of which the taxes have been levied, although such goods and chattels may be the property and in the possession of any other occupant of the premises. (Sec 120, Assessment Act.)

By law to appoint persons to make levy

370 ~~Such law shall be made by the Collector, or such other person as may be appointed for that purpose under authority of a by-law of the Council authorizing such levy, and the costs chargeable shall be those payable under "The Distress Act."~~ (Sec 121, Assessment Act.)

Form of by law

371 ~~Such by-law directing such distress may be general, without specifying names, amounts or properties, and may provide for such law being made for all taxes in arrears in respect of the person or premises charged.~~ (Sec 121, Assessment Act.)

Repealed in

Evidence that taxes in arrears.

372 The production of the Collector's roll showing taxes in arrears in respect of any person or property shall be prima facie evidence that such taxes are in arrears, as well as of the mailing of such notice. (Sec 121, Assessment Act.)

Notice of sale of goods distrained.

373 Notice shall be given by poster posted up in at least four of the most public places of the City, when and where the sale of goods and chattels distrained is to be made, giving at least eight days' notice of the time and place of sale and of the name of the person whose property is to be sold, if known by the Collector, or by publication of an advertisement containing the above mentioned particulars in one issue of a newspaper published in the City. And at the time named in the notice, the Treasurer, or the Collector, if such there be, or his agent, shall sell at public auction the goods and chattels distrained, or so much thereof as may be necessary. And in all cases when goods and chattels are enclosed or supposed to be enclosed by doors of houses, barns or outbuildings, cupboards or other close places, whether enclosed by wall fence gate or otherwise, the seizing officer may open the same, or cause the same to be opened, in the presence of two witnesses, with all necessary force to effect the said opening. (Sec 122 Assessment Act.)

Power of seizing officer to open doors, etc.

Persons to be returned on demand.

374 If the goods and chattels seized be sold for more than the whole amount of the assessment levied for and the

_____ . whether business or otherwise 12,

370. Such levy shall be made by the collector, or by some person appointed by him under his hand and seal, and he may levy not only for the taxes and arrears, but also for the costs, upon the same scale as provided under "The Distress Act." 6th Ed. 15th Chap. 4th Sec. 24 (1907)

costs attending the seizure and sale, the surplus, on demand, shall be returned to the person entitled thereto, and in case said surplus shall not be demanded, it shall remain in the hands of the Treasurer, to be held for and paid over on demand to such person. Provided that it be so demanded within three years, after which time it shall not be recoverable from the City. (Sec. 122, Assessment Act.)

Surplus not recoverable unless demanded within 3 years.

375. All goods and chattels to be sold under the authority of this Act for the payment of taxes or other dues shall be offered to public competition, but such goods and chattels, or any other description of property so publicly sold for taxes, need not be sold by a licensed auctioneer. (Sec. 124, Assessment Act.)

Distressed goods need not be sold by licensed auctioneer.

376. In case the taxes or any portion thereof shall remain unpaid at any time after the tax roll shall have been made out, and after notice has been given, the Council may by resolution authorize some person to levy the unpaid taxes on and sell in the manner and with the powers provided by law for the collection of taxes. (Sec. 125, Assessment Act.)

Levy of unpaid taxes.

377. In any case where right of distress against goods and chattels is given for taxes in this Act, distress shall only be permissive and not compulsory for the City. (Sec. 126, Assessment Act.)

Distress not compulsory.

378. The taxes or rates imposed or levied for any year shall be considered to have been imposed and to be due on and from the first day of January of the year for which such taxes or rates are levied and end with the thirty-first day of December thereof and to accrue from day to day. (Sec. 127, Assessment Act.)

Taxes deemed due on day mentioned in by law.

379. In the event of the payment of any tax by the tenant or lessee of any real estate, unless otherwise to the contrary agreed upon, he shall have a right of personal action against the owner of the property assessed for the recovery, with interest and costs, of the amount of such tax paid by him, which may be by him retained and deducted out of any rent or sum payable for the use and occupation of such property due or accruing due. (Sec. 130, Assessment Act.)

Personal action by tenant paying taxes.

380. The taxes accrued on any land shall be a special lien on such land, having preference over any claim, lien, privilege or incumbrance of any party except the Crown, and shall not require registration to preserve it. (Sec. 131, Assessment Act.)

Special lien for taxes.

Notice not to
defeat rights
of City

381 No change of ownership or possession or seizure by sheriff or landlord or by any other party, or anything by which the same shall be in any way in the custody of the law, shall defeat such lien.

Notice by Tax
Collector
on distress of
property
under distress

382 When personal property liable to be seized for taxes as hereinbefore provided is under execution or attachment or has been seized by the sheriff or by a bailiff of a County Court, or is claimed by or in possession of any assignee for benefit of creditors, it shall be sufficient for the Tax Collector to give the sheriff, bailiff or assignee notice of the amount of taxes due and in such case the sheriff or bailiff or assignee shall pay the amount of the same to the Collector in preference and priority to any other and all other fees, charges, liens and claims whatever. (Sec 132, Assessment Act.)

Incidence of
taxes where
plan has been
cancelled.

383 Where any plan subdividing any land or any portion thereof has been or may hereafter be cancelled, in whole or in part, the land which, prior to the cancelling of the plan comprised any lot or lots, block or blocks, and the adjoining one half of any street or streets, lane or lanes, fronting and fronting and adjoining the same, shall be and is liable for and chargeable with the total amount of the arrears of taxes charged against the said lot or lots, block or blocks, so included in the area of such lands affected by such cancellation, and the same may be sold for the payment of taxes held by the City. (Sec 133, Assessment Act.)

Payment of
arrears of
taxes how
made.

384 In cases where taxes are in arrear the year's taxes longest in arrear shall be first paid, unless there be a bona fide dispute as to the taxes in any particular year. In such last mentioned case the taxes on the land for years not disputed shall be accepted. If satisfactory proof be advanced to the Collector that any parcel of land on which taxes are due has been subdivided, he may receive the proper amount of tax chargeable upon any of the subdivisions and leave the other subdivisions or subdivisions chargeable with the remainder; and the Collector may in his books divide any piece or parcel of land which has been returned to him as in arrear for taxes into as many parts as the necessities of the case may require. (Sec 134 Assessment Act.)

Taxes may be
paid by
instalments.

385 Prior to the rates being struck in any year, the Collector may receive on account of taxes to become due on any property, a sum equal to one fourth or some multiple of one-fourth of the taxes for the immediately preceding year on the same property, provided that in any such case all arrears have first been paid, and arrears of taxes may be paid by instalments or amounts equal to one-third or to

Whether business is general 7

some multiple of one-third of the amount of one year's taxes at any time. Such payment in all cases shall be taken to apply to the taxes of the year first or longest in arrear. The rate of six-tenths per cent. per month penalty shall be computed on such sum or sums as at present up to and inclusive of the first day of the month in which such portion of arrears are paid. Provided that, upon receipt by the Treasurer of the list of lands liable to be sold for arrears of taxes, with a warrant thereto annexed under the hand of the Mayor and the seal of the City, commanding him to levy upon lands for arrears due thereon with costs, such Treasurer shall not receive any payment in respect of such arrears less in amount than the sum set opposite to the description in such list of the land in respect of which such payment is sought to be made, together with accrued penalties and costs. (Sec. 25, Cap. 34, 58 and 59 Vic. as amended by Sec. 7, Cap. 33, 61 Vic.)

When arrears of taxes are mentioned in warrant for sale such arrears cannot be paid by instalments

386. If satisfactory proof is adduced to the Treasurer, that any parcel of land on which taxes are due has been subdivided, he may receive the proportionate amount of tax chargeable upon any of the sub-divisions, and leave the other sub-division or sub-divisions chargeable with the remainder, and the Treasurer may in his books divide any piece or parcel of land which has been returned to him in arrears for taxes into as many parts as the necessities of the case may require. (Sec. 134, Assessment Act.)

Provision for payment of taxes on subdivided lots.

387 Taxes heretofore or hereafter levied may be recovered, with costs in any Court of competent jurisdiction in the Province as a debt due to the City from any person or corporation by whom the same are payable, in which case the production of a copy of so much of the Collector's roll as relates to the taxes payable by such person or corporation, purporting to be certified by the Assessment Commissioner as a true copy, shall be sufficient evidence of debt. (Sec. 135, Assessment Act.)

Taxes may be used for

388 Any school or other taxes may be recovered and may be levied on any real or personal property, excepting therefrom that mentioned in sub-sections (a), (b), (d) and (g) of the forty-third section of "The Executions Act" (Sec. 136, Assessment Act.)

What property may be levied on.

389 The Collector, on demand, shall furnish or give to the owner of any land charged with arrears of taxes a written statement of the arrears at that date, or to any person a certificate that the taxes have been paid in full or in part or that the lands have or have not been sold or advertised for sale for arrears of taxes, and he may charge a fee of twenty-

Owner entitled to statement of arrears.

Certificates.

Statement to show date of last sale.

No charge for statement without copy, State

Fees when not according to p. 40.

five cents for making out and mailing such certificate, if it does not contain more than five lots or parcels, and a further fee of ten cents for every additional ten lots or parcels. Provided that, if the land has been sold for taxes and the time for redemption of such land has not expired, the Collector shall write a stamp upon such statement the words "Sold for taxes on the _____ day of _____ 19____, (giving the date of the sale of the land for taxes). Provided further, that no more than five dollars shall be charged for any certificate, and no charge shall be made for a statement of arrears without certificate. Provided also, in cases, however, of lots not according to a plan of subdivision, the fees payable shall be as follows: If the statement contains one lot or parcel 25 cents, and a further fee of 10 cents for each additional lot or parcel, and if said lands appear by such certificate to have been sold for taxes the Treasurer on demand shall furnish without further fee a statement of the amount necessary to redeem. (Sec. 197, Municipal Act as amended by 35 and 60 Vic.)

Effect of statement and copy shall be as last.

390. Any such statement or certificate when signed by the Collector or Treasurer shall, whether such statement or certificate be under the seal of the City or not, be considered to have been properly executed by and be binding upon the City as fully and effectually as if such statement had been given under the proper seal of the City. (Sec. 198, Assessment Act.)

Limitation of right of action to recover money paid in City for taxes.

391. No action, suit or other proceeding shall be commenced against the City for the return by the City of any moneys paid to it or account of a claim, whether valid or invalid, made by the City for taxes, whether under protest or otherwise, unless such action, suit or other proceeding shall have been commenced within six months after such payment, and after the expiration of six months after the payment of such moneys, without any such action, suit or other proceeding having been commenced, the payment made to the City shall be deemed to have been a voluntary payment. (Sec. 21, Cap. 34, 1895.)

SALE OF LAND FOR TAXES.

Sale of land for taxes.

392. Whenever the whole or any portion of any tax on any land has been due and unpaid for more than one year after the thirty first day of December of the year in which the rate was struck, whether levied before or after the passing of this Act, or part before and part after, such lands shall be liable to be sold for arrears of taxes unpaid upon the lands, up to the time of the making up of the list for sale, and the costs of advertising, and the Collector shall, as

List to be prepared.

often as directed by resolution of the Council, submit to the Mayor a list, in duplicate, of all or any portion of the lands within the City so liable to be sold for arrears of taxes, with the amount of arrears against each lot or lots, block or blocks, acre, part or parts of an acre or number of acres, set opposite to the same, and the Mayor shall authenticate each of such lists by affixing thereto the seal of the City and his signature, and one of such lists shall be deposited with the Clerk, and the other shall be given to the Treasurer with a warrant thereto annexed under the hand of the Mayor and the seal of the City commanding him to levy upon the lands for the arrears due thereon, with costs. (Sec. 148, Assessment Act)

393 It shall not be the duty of the Treasurer to make inquiry before effecting a sale of lands for arrears of taxes to ascertain whether or not there is any distress upon the land, nor shall he be bound to inquire into or form any opinion of the value of the land. (Sec. 149, Assessment Act)

Not necessary to inquire if there is distress.

394. The Treasurer shall proceed to advertise and sell the lands included in such lists, but he shall not sell any lands which have not been included in such lists. (Sec. 150, Assessment Act)

Lands to be sold to be advertised and sold.

395 The Treasurer shall prepare a copy of the list of lands to be sold as authorized by this Act, and shall include therein, in a separate column a statement of the proportion of costs chargeable on each parcel for advertising, and shall cause such list to be published in one issue of *The Manitoba Gazette* and one issue of a newspaper published in the City of Winnipeg. Such advertisement must be published in *The Manitoba Gazette* and each newspaper not more than sixty days and not less than thirty days preceding the day of sale. The charge for advertising either in *The Manitoba Gazette* or in the newspaper shall not exceed ~~twenty-five cents~~ ^{one dollar} per parcel. (Sec. 151, Assessment Act)

Lands to be advertised.

Cost of advertising.

1907

396. The advertisement shall contain a notification that, unless the arrears of taxes and costs be sooner paid, the Treasurer will proceed to sell the lands for taxes at the time and place named in the advertisement. (Sec. 152, Assessment Act)

Time and place to be mentioned in advertisement.

397 Every such notice shall specify the place, day and hour at which such sale will commence, and each lot or parcel of land number of lots, block or blocks, acre, part or parts of an acre or number of acres, as the case may be, which shall be designated therein by a reasonable description or by stating the number of the registered instrument from which

Contents and form of notice.

a description can be adduced or obtained, and the using of abbreviations for such description shall be sufficient if the lot or parcel of land can be distinguished thereby (Sec. 103, Assessment Act.)

Place of sale. **398.** The sale shall take place at such place as the Council shall by resolution or by law appoint or, in the absence of such appointment, at such public place in the City as may be chosen by the Treasurer (Sec. 154, Assessment Act.)

Sale of Crown lands. **399.** When the title to any land sold for arrears of taxes is vested in the Crown, the deed therefor, in whatever form given, shall be held to convey only such interest as the Crown may have given or parted with, or may be willing to recognize or admit that any person or persons possesses or possess under any color or right whatever (Sec. 155, Assessment Act.)

Omission to include lands in list not to prevent their future sale. **400.** Omission to include in such list any land liable for sale shall not be held to prevent the sale of the said land on any future occasion for all arrears of taxes that may be due thereon. (Sec. 156, Assessment Act.)

If land sold in error Treasurer on resolution of Council may redeem. **401.** In all cases when it appears to the Council that through any error, mistake or misdescription, or any other cause, any lands have been improperly sold for taxes the Treasurer shall, on resolution of the Council, redeem the same. And such redemption by the Treasurer shall have the effect of restoring the said lands, including their liability to taxes to the position in which the same stood before being placed on the list for sale. This section shall be retroactive and apply to any case proceeding in any Land Titles Office or Court. (Sec. 157, Assessment Act, and Sec. 6, Cap. 35, 1900.)

Lots assessed together. **402.** When two or more lots or parcels of land have been assessed together, the same may be advertised and sold together but the owner of any such lot or parcel may redeem the same within the time hereinafter provided, upon payment of a proportionate part of the taxes and charges for which the said lots or parcels were sold, together with a proportionate part of the interest or penalty required to be paid on the redemption of same. (Sec. 158, Assessment Act.)

Adjournment for want of bidders. **403.** If at any time appointed for the sale of the lands no bidders appear, or the bidding in the judgment of the Treasurer be not satisfactory, or the sale cannot be finished during the day fixed for the sale, or for any reason whatever,

the Treasurer may adjourn the sale, from time to time, from the date fixed for the sale or from the date of the last adjournment. (Sec. 159, Assessment Act.)

404. At the place, day and hour appointed for the sale of the lands, and if the arrears of taxes and costs have not been previously paid or satisfied the Treasurer shall offer the lands for sale by public auction and in doing so he shall make and declare the amount stated in the list or advertisement as the arrears of taxes and together with the costs, and shall then sell the same to the highest bidder or to such person as shall be willing to take it there being no higher bidder, but subject to redemption as hereinafter provided for, and the amount of arrears of taxes stated in the advertisement shall in all cases be held to be the correct amount due. (Sec. 160, Assessment Act.)

sale to the
highest
bidder

405. The Treasurer may offer the said land for sale in different lots or parcels, and in any case in which land liable to be sold for taxes has been subdivided so that different persons are the owners of different portions of a single lot or parcel, the Treasurer may offer the said lands for sale in accordance with the divisions of the same which represent the actual ownership, so that the land of each separate owner shall be separately offered for sale, and when a single lot or parcel of land is owned by different parties and assessed in separate parts or portions each, such separate part or portion may be sold for the taxes in arrears thereon respectively. (Secs. 161 and 162, Assessment Act.)

Lands may be
sold in parcels.

When lands
are to be sold
where different
persons own different
parts or portions
of the same lot

Lots owned by
separate parties.

406. If the land, when put up for sale, will not sell for the full amount of arrears of taxes and costs, the said Treasurer may then and there sell for any sum he can realize, and then, in such case except such sum is paid in payment of such arrears of taxes and costs, but the owner of any land so sold shall not be at liberty to redeem the same except upon payment to the Treasurer of the full amount of arrears of taxes and costs together with the additional penalties for redemption, and in the event of redemption as aforesaid the purchaser shall be entitled to receive from the Treasurer the amount of his purchase money with the additional penalties thereon and on the taxes paid by the person redeeming, as provided in section 424 of this Act. (Sec. 163, Assessment Act.)

unless the sum
therein
amount of same

407. The City may, at such sale, bid up to the amount due thereon for arrears of taxes and costs, and may become the purchaser thereof or of any number of lots advertised for sale, through the Mayor or any member of the Council duly authorized by the Council so to bid, and in case such bids be

City may
become
purchaser.

accepted and the City declared the purchaser, it shall not be necessary for any payment of the purchase money to be made and in such case a certificate of sale shall be issued to the City by the Treasurer, and, so far as may be, the provisions of this Act with reference to redemption on shall apply to such sales. The City may at any time sell and transfer such certificates, but in no case shall a certificate be sold for less than the land was bought in for by the City. (Sec. 164, Assessment Act.)

Certificates not to be sold for less than land was bought in for by City.

Lands purchased by City to continue liable to assessment etc. in hands of former owner.

408. Until the time for redemption as herein provided shall have elapsed, the land so purchased by the City shall continue liable to assessment and taxation in the name of the former owner as if the same had not been so purchased. (Sec. 165, Assessment Act.)

City may lease or sell lands purchased by it at tax sale.

409. The City may also, after lands so purchased by it at a sale for taxes have become vested in it lease the same or sell and convey them in deed under the seal of the City signed by the Clerk and the Mayor, or by such other persons as may be authorized by the Council so to sign, and the proceeds and form part of its revenue funds, and the City shall not be compeller to account to the former owner of the land for any sum thus realized. None of the provisions of this Act as to the selling of lands by the City shall apply to lands so required, but all such lands before being sold by the City shall be offered for sale in parcels by public auction of which sale three weeks' notice shall be given in some newspaper published in the City, and if at such sale a sufficient sum is not bid for each parcel of land so offered for sale to cover the amount claimed to be due to the City thereon the City may then effect a private sale of such land, either in bulk or in parcels for the best price obtainable, and either in the case of public or private sale the land may be sold on such terms as to the Council may seem proper. (Amendment by Sec. 4, Cap. 26, 1900.)

Lands to be offered by public auction.

Private sale after offer by auction.

City may exchange lands bought at tax sale.

410. The City may exchange any of its lands so purchased as aforesaid for other lands within the City. (Sec. 8, Cap. 35, 1900.)

Payment of purchase money of lands bought at tax sale.

411. If on a sale for arrears of taxes the land is sold for a greater sum than the arrears of taxes and costs, the purchaser shall only be required to pay at the time of sale the amount of said arrears and costs, and the balance of the purchase money shall, in case such land is not redeemed from such tax sale, be paid within one year after the expiration of two years from the day of such tax sale to the Treasurer. If the balance of purchase money is not so paid by the purchaser or his assigns within the

time above prescribed, he and they shall forfeit all claim to said lands and to a certificate of title therefor, and to the sum paid at the time of sale, or subsequently for taxes, costs or otherwise, and the said land shall cease to be affected as if it had been duly redeemed. (Sec. 11, 60 Vic., Cap. 21, 1897.)

412 All moneys received by the Treasurer under the last preceding section shall be kept in a separate account, known as "Tax Sales Fund," and shall be dealt with in the manner hereinafter provided. Tax Sales Fund.

413. If the purchaser of any parcel of land fails to pay to the Treasurer immediately, on account of said purchase, the amount claimed for arrears of taxes and costs, or such lesser sum as he may have purchased for, the Treasurer may forthwith again put up the property for sale. (Sec. 160, Assessment Act.) Remedy on non-payment of purchase money.

414. The Treasurer, after selling any land for taxes, shall, without any additional charge, give a certificate under his hand and the seal of the City in the following form: Tax sale certificate to be given.

I hereby certify that, under the provisions of "The Winnipeg Charter," I have this day sold for arrears of taxes and costs, to A. B., of the _____ of _____ in the _____, that certain piece or parcel of land and premises situate in the City of Winnipeg, Province of Manitoba, and being composed of _____ (describe the land), for the price or sum of _____ dollars.

Dated this _____ day of _____ A.D. 19____
(This must be the actual date of sale.)

[L.S.] _____ Treasurer of the City of Winnipeg

Provided that, in case the Treasurer by whom any such sale shall have been made shall die or resign, or vacate his office without having signed such certificates or any of them, the Treasurer for the time being may give a certificate under his hand and the seal of the City, certifying that the lands were sold and when and to whom, and at what price. Such certificate shall be as valid and effectual for the purposes of this Act as though made in the form above given. (Sec. 18, Cap. 24, 58 and 59 Vic., 1895.) In case of death, etc., of Treasurer certificate may be signed by Treasurer for time being.

415 In case the lands have been sold for more than the amount of taxes as advertised, the above certificate shall be modified by leaving out all after the description of the lands Certificates where lands sold for more than taxes.

and before the dating clause, and inserting instead thereof the following:—

For the price or sum of _____ dollars, of which the sum of _____ dollars, being the amount of arrears of taxes and costs for which the same were sold has been received, and the balance shall be paid to the Treasurer before the expiration of three years from the date of this sale. In case such balance be not paid within the time required, all claims to said lands and to the money already paid shall be forfeited by the holder hereof (See 7 of Cap. 16, 69 Vic., as amended by Sec. 10 of Cap. 21, 69 Vic.)

Assignment of
certificates.

416. Any such certificate provided for by the two last preceding sections may be assigned by indorsement on the back thereof or on a paper attached thereto, in the following form or to the like effect:—

I hereby assign and transfer this certificate (or the attached certificate or certificates) to

Execution of
assignment.

417. Said assignment shall be signed by the person in whose favor the certificate is issued, or by any subsequent assignee. The production of any certificate so transferred, and a certificate to all the rights of the original holder both as to land and to the redemption money, as the case may be, and for the purposes of this Act such assignee shall be considered the purchaser of the lands covered in such certificate at the sale to which it refers. (Sec 172, Assessment Act)

Power of
tax purchaser
to protect
lands until
redeemed.

418. The purchaser (including the City purchasing) and, on receipt of the Treasurer's certificate of sale, become entitled, by action or otherwise, to protect the lands mentioned in said certificate from spoliation or waste until the expiration of the term during which the land may be redeemed, but he shall not have any right to the possession of said land, or to cut hay or timber growing upon the land, or in any way to injure the land, and the purchaser shall not be liable for damage done, without his knowledge, to the property during the time the certificate is in force, and shall have the right to pay taxes upon said lands, and to be reimbursed therefor as hereinafter provided. (Sec 173, Assessment Act)

Statements to
be signed by
purchaser.

419. Every such purchaser, at the time of the sale, and before he is given the certificate of sale, may be obliged to sign a statement setting out his full name, occupation and post office address, and such statement shall be preserved by

the Treasurer with the other books, documents and papers connected with such sale. (Sec 174, Assessment Act)

420. The Treasurer shall within one month after a sale of land for taxes has been held by the City, return to the District Registrar a statement certified under his hand showing all lands which were sold at that sale. (Sec 141, Assessment Act, Sec 5, Cap. 34, 30 Vic, 1896)

Return to be made by Treasurer of lands sold for taxes.

421 The District Registrar may provide a form for the use of the Treasurer under the last preceding section, and may include in such form any particulars not provided for by said section, when such form the Treasurer shall be bound to fill up and return to the District Registrar within the time above mentioned. (Sec. 142, Assessment Act)

District Registrar may provide form of return.

422. The City shall be liable to the District Registrar for all losses and damages sustained either to the assessment fund or on account of incorrect certificates given by him on account of any error in any such statement, and the Treasurer of the City shall be liable to indemnify the City for any loss incurred on account of any such error. (Sec. 146, Assessment Act)

Liability of City and Treasurer for errors in statements

423. The District Registrar shall have the right to grant certificates based upon such statements, and to charge a fee of twenty five cents for each certificate not containing more than five lots or parcels, and a further fee of ten cents for every additional ten lots or parcels, or fraction thereof. The District Registrar shall be liable in damages for any error in any such certificate. The Provincial Treasurer shall pay all judgments recovered against the District Registrar on account of such liability. (Sec. 147, Assessment Act)

District Registrar may grant certificates as to amount of taxes based on statements.

Liability of District Registrar, and Provincial Treasurer upon such certificates

REDEMPTION, ETC.

424. The owner of any land which has been or shall hereafter be sold for non-payment of arrears of taxes or costs, or his heirs, executors, administrators or assigns, or any other person or the City on his or their behalf, but in his name only may at any time within two years from the day of sale, exclusive of that day, redeem such land by paying or tendering to the Treasurer, before the hour of three o'clock in the afternoon, the amount of arrears of taxes and costs for which the same was advertised and sold, together with, as a penalty a sum amounting to ten per cent of such amount if redeemed at any time within one year after the date of sale, and, if not so redeemed within one year, then with the addition, as a further penalty, of a further sum, amounting to ten per cent of such amount for which

Redemption, how and when effected

such lands were so sold as aforesaid. In case the tax purchaser has paid any taxes accrued subsequent to the taxes for which such land was sold, the party redeeming such land shall also pay to the Treasurer, if redeemed within the first year after the sale, the amount of such subsequent taxes so paid as aforesaid by the tax purchaser and as a penalty an additional sum amounting to ten per cent. thereon. If such land be not redeemed within the first year after sale, then the party redeeming such land shall also pay to the Treasurer the amount of such subsequent taxes so paid as aforesaid by the tax purchaser and as a penalty an additional sum amounting to twenty per cent. on all such subsequent taxes paid by the tax purchaser during the first year after the said sale, together with ten per cent. on all such subsequent taxes paid by the tax purchaser after the first year after said sale. Such Treasurer shall also be entitled to demand, before giving a certificate of redemption from such party so redeeming, all arrears of taxes on such lands which were due to the taxes for which such lands were sold. (Sec. 180, Assessment Act.)

Accepting title
to land not
over \$5. in
value.

Time short
ened

Notice
dispensed
with

425. When the assessed value at the time of sale of any property heretofore or hereafter sold for taxes by the City does not exceed fifty dollars the period allowed for redemption to the Treasurer's office under this Act, and after which application to the District Registrar for certificate of title may be made, shall be reduced to one year instead of two and no notice of the application for a certificate of title shall be given to any person and the certificate of title for such land may be issued by the tax purchaser or his assignee after the expiration of three months from the time of such application being received as a sale tax purchaser of sections 432 to 444 of this Act shall, subject to the provisions of this section, be applicable to the proceedings for obtaining title to such land. (Sec. 10, amendment, Assessment Act, 1 Ed. VII.)

Certificate of
redemption

426. The Treasurer shall give the party so redeeming a certificate of redemption under his hand and the seal of the City, which shall be evidence of the redemption and may be registered in the Land Titles Office with any affidavit of execution and may be in the following form:—

Form

I hereby certify (describing the lands), sold for taxes on the _____ day of _____ A.D. 19____, were this day duly redeemed by _____, on behalf of _____, and that I have received from the said _____, in full of said redemption, the sum of _____ dollars. Dated this _____ day of _____ A.D. 19____

C. D.,

[L.S.]

Treasurer of the City of Winnipeg

* In the case of the loss of any such Certificate the redemption money or so much thereof as the applicant is entitled to may be paid over on security given Satisfactory to the Council.

To be read in 1897

Such certificate shall be made in duplicate, and one of them shall be kept in the office of the Treasurer (Secs. 181 and 182, Assessment Act.) Certificate to be in duplicate.

427. For the purpose of this Act, the day of sale shall be the day on which the sale was advertised to take place, without reference to any adjournment or adjournments, and any lot or parcel of the lands sold may be redeemed by payment of a proportionate amount of the arrears of taxes, costs and penalties, if the land sold was composed of more than one lot or parcel according to any survey or plan. This section shall apply as well to redemption taking place through the District Registrar as through the Treasurer (Sec. 183, Assessment Act, Sec. 4, Cap. 21, 60 Vic, and Sec. 19, Cap. 24, 58 and 59 Vic.) Date of sale.

428. From the time of payment of the full amount of redemption money as required by this Act, all rights and interests of the purchaser in the land shall cease. (Sec. 184, Assessment Act.) Effect of redemption.

429. The Treasurer or District Registrar, as the case may be, immediately after the redemption of any land, shall, after deducting from such redemption money the sum of twenty-five cents for each parcel of land redeemed, notify the purchaser or his assignee of such redemption by letter mailed prepaid and registered to him at his post office address as given in the statement signed by him at the time of the sale, if any (Sec. 185, Assessment Act.) Notice of redemption to be sent to purchaser.
Five for notice.

430. The Treasurer or District Registrar, as the case may be, shall, upon delivery to him of the certificate of sale for taxes and assignment thereof, if any, pay over such redemption money or such portion thereof as the applicant may be entitled to. (Sec. 4, Cap. 21, 57 Vic, 1894.) Redemption money to be paid to applicant entitled.
In addition to the above

431. In all cases where sales of lands for arrears of taxes, whether made before or after the passing of this Act, are set aside or declared illegal or void, the amount paid by the purchaser at the sale, and subsequently for taxes or otherwise, shall be a lien upon the land and payable by the owner to the tax purchaser or his proper representatives. (Sec. 186, Assessment Act.) Sales set aside.

ACQUISITION OF TITLE

~~432. If the land be not redeemed within a period of two years, when the assessed value at the time of sale of any~~ Procedure for obtaining title to lands sold for taxes.
Repealed in 1897 in next page

property sold for taxes shall exceed \$50, and one year when such value shall not exceed \$50, from the date of sale, the Treasurer shall forthwith, after the expiration of said two years or one year, as the case may be, as aforesaid, forward to the proper District Registrar a return certified under his hand, showing all lands which were sold at that sale and have not been redeemed, the persons to whom sold, the amount for which the lands were sold, the amount of taxes and costs for which the lands were sold, the taxes paid by the tax-purchaser since the sale and prior to the expiration of said two years or one year, and such other information as the District Registrar may require.

Repealed in 1907 in another offence

No tax deeds
to be issued.

433. No tax deed or vesting certificate shall be issued by the City or the officers thereof, but title to land by virtue of a tax sale may be procured only in the manner hereinafter provided.

Application
under "Real
Property Act."

434. Any tax purchaser desiring to secure title to land purchased at a tax sale may make application therefor to the District Registrar at any time within two years after the date of the expiration of two years ~~as one year, as the case may be~~, as aforesaid, from the day of sale, and such application shall in all respects be deemed to be, and shall be dealt with by the District Registrar as, an application to bring land under "The Real Property Act," or for a transmission under said Act, as the case may be, if the tax purchaser fails to make an application within two years as aforesaid he shall forfeit all claim as tax purchaser to said land or to such part thereof as may not be applied for, as well as to the amount paid thereon at the time of sale, or for subsequent taxes, and said land, or such part thereof as aforesaid, shall thereupon cease to be affected by said sale as if it had been duly redeemed.

Forfeiture of
tax purchaser's
rights.

Redemption
by Treasurer
or owner

435. Any person having an interest in any parcel of land included in the return referred to in section 432 hereof, or any person on his behalf, may at any time, before or after such application is made, or at any time before the issue of a certificate of title pursuant to the tax sale in question, redeem such parcel of land, or any separate parcel thereof in which he may be interested, by paying to the District Registrar the amount originally paid by the tax sale purchaser, together with a bonus of 20 per cent. thereon, and any subsequent taxes paid by him on said lands, together with a bonus of 10 per cent. thereon for each year subsequent to such payment, and the costs which the applicant has been put to in proceeding to obtain a certificate of title, including his attorney's fees (if any), which costs and fees shall be fixed and taxed by the District Registrar, whose de-

Taxation of
costs.

Proceedure in
case land sold
the taxes on
not redeemed
shall have
first.

432. If the land be not redeemed within a period of two years from the date of sale, the treasurer shall, forthwith after the expiration of said two years, forward to the proper district registrar a return certified under his hand, showing all lands which were sold at that sale and have not been redeemed, the persons to whom sold, the amount for which the lands were sold, the amount of taxes and costs for which the lands were sold, the taxes paid by the tax purchaser since the sale and prior to the expiration of said two years, and such other information as the district registrar may require.

187 Ed. III. Chap. 48 Sec 85 (1907)

cision shall be final, upon such redemption taking place the District Registrar may proceed with the application and issue a certificate of title thereunder to such person as he may find entitled in the same manner as if the application had been made by the person so found entitled.

436. The District Registrar shall enter in a register a memorandum recording the redemption of such land or parcel thereof, and such land or parcel shall accordingly stand released from the time of such payment as if the District Registrar shall forward to the Treasurer of the City a notice stating that such land or parcel thereof has been redeemed, and the Treasurer shall thereafter upon demand repay to the tax purchaser or his assignee any moneys which have been paid into the tax sales fund by such tax purchaser or his assignee in connection with the sale in question.

Proceedings after redemption.

Referred to tax purchaser.

437. The District Registrar shall deduct from the payment so made to him any fees lawfully due, and forthwith pay the balance to the tax purchaser or the assignee of the tax sale certificate upon demand, and while said moneys or any part thereof remain in the hands of the District Registrar they shall not be subject to attachment or garnishee proceedings issued out of any Court in this Province, and no payment made of any such claims money shall be made by the District Registrar unless and until the original certificate of purchase shall have been surrendered to the District Registrar, provided that in case of the loss of any such certificate the redemption money may be paid over on security being given satisfactory to the District Registrar.

Referred to tax purchaser.

Surrender of original Tax sale Certificate.

438. After the expiration of six months, in cases of lands assessed for more than \$400 at time of sale and three months when assessed for less than \$400, from the day of service of the last notice issued to be served by or on behalf of the applicant, in cases where notice has been directed to be served, and in other cases after the expiration of six months or three months, as the case may be, from the filing of the application, if the land be not redeemed, the District Registrar upon being satisfied that the purchaser has paid his purchase money in full for the lands comprised in the application, or any parcel thereof, shall issue a certificate of title under "The Real Property Act" to the applicant for such land or parcel thereof, and such certificate of title shall in every respect have the same effect as, and be considered to be, a certificate of title issued under "The Real Property Act," and thereafter no person except the tax purchaser or those claiming through or under him shall be deemed to be rightly entitled to the land included in such certificate of title to any part thereof, or to any interest therein or here- (1907)

Issue of Certificate of Title in default of redemption.

*Actions for
damages by
comparators.*

thereon, whose rights in respect thereof accrued or commenced to accrue prior to the issue of such certificate of title, and in any action brought against a District Registrar for damages under "The Real Property Act" by any such person claiming to have been so rightly entitled prior to the issue of such certificate of title, and who has not been served with notice under this Act, or "The Real Property Act," of the application for a certificate of title, it shall be incumbent upon such person to prove that the land was improperly sold for taxes, and that such tax sale as regards such land was, or should be, declared to be void.

*Duties of
District
Registrar.*

439. The District Registrar shall not be obliged to ascertain or enquire into the regularity of the tax sale proceedings or any recoverings prior to or having relation to the assessment of the land.

*District
Registrar
bound to
proceed.*

440. The return which is above provided to be furnished to the District Registrar by the Treasurer of the City shall be in all cases, sufficient authority to justify the District Registrar in taking proceedings as above provided in this Act, and the District Registrar shall be bound in all cases to proceed as above provided unless it shall be shown to his satisfaction that the land in respect of which the application is made for a certificate of title was not liable to the imposition of any portion of the taxes for which the same was sold or that all such taxes had been paid.

*Where not
liable for taxes
paid.*

*Assignment
by City or tax
purchaser.*

441. At any time after the City has filed an application for title under this Act, and before a certificate of title shall have issued thereunder, the City may assign its interest as tax purchaser to any person who claims to have some substantial interest in the land, and upon the filing of such assignment with the District Registrar he shall, if in his judgment such assignee had some substantial interest, proceed with the application as if such assignee had been the original applicant.

*When City is
tax purchaser.*

442. In all cases in which the City is the tax purchaser the City may apply for a certificate of title under this Act, and may include in one application any number of parcels according to the same survey or plan.

*Fees when
lands valued
at less than
\$100.*

443. In all cases of applications by a tax purchaser for title to land sold for taxes, in which the value of the land in the application does not exceed the sum of one hundred dollars, the fee payable to the District Registrar on such application, including contribution to the Assurance Fund, shall not exceed \$2 50.

444. After the expiration of two years, in the case of lands assessed at the time of sale for more than \$50, and one year, in the case of lands assessed for not more than \$50, from the date of sale the tax purchaser may pay to the District Registrar any arrears of taxes due on the land, upon furnishing to the District Registrar a statement of the Treasurer of the City showing the amount of such arrears, and where a certificate of title shall issue under the application of such tax purchaser, either to the tax purchaser or to the person found entitled after redemption, it shall be the duty of the District Registrar to collect all such arrears and, when collected, to forward the same to the Treasurer (63 and 64 Vic., 1900.)

Partments of
taxes accruing
after sale.

MISCELLANEOUS PROVISIONS.

445. In case any lands should be sold for arrears of taxes when no arrears of taxes are due thereon, the owner or person entitled to any equitable or beneficial interest therein, in case the land cannot be recovered back by reason of its having been brought under the operation of "The Real Property Act," or amendments thereto, shall be indemnified by the City for any loss or damage sustained by him on account of such sale of said lands, and the amount of such indemnity may be settled by agreement between the City and the person entitled thereto, or, if an agreement cannot be effected, by arbitration in a manner similar to that provided in the case of expropriations, except that the amount of the indemnity payable by the City shall be the amount which the arbitrators shall award with 25 per cent of the amount of such award added thereto. (Sec. 192, Assessment Act.)

Indemnity to
owner or
person
entitled to
interest in
lands sold for
taxes
brought under
Real
Property Act "

446. The Treasurer shall keep a separate account of all sums paid to him as a balance of purchase money on lands sold for more than the amount for which they were advertised and shall enter in a book the amount received over the arrears of taxes and costs, a description of the land sold and the rates of sale and receipt of said moneys, and the aggregate amounts of such balances so received shall form a distinct fund to be called "Tax Sales Fund," and the Treasurer shall, in the month of January in each year, or at any other time, if required by resolution of the Council, furnish a statement to the Council, giving the amount of and other particulars respecting such fund, and whenever any portion of said fund shall have remained in the hands of the Treasurer for six years, without any notice of claim or order of payment having been served on him as hereinafter provided, said portion or sum so remaining unclaimed shall become forfeited, and shall thereafter be the absolute pro-

Tax Sales
Fund.

Transfer to
general fund.

perty of the City, and shall forthwith thereafter be transferred to the general funds of the City, and for a part thereof, and the City shall forever be discharged from any claim on account thereof. (Sec. 193, Assessment Act.)

Procedure for
adjudicating
interests in
Tax Sales
Fund.

447 Any person claiming to be entitled to any such surplus, or any part thereof, in the "Tax Sales Fund," whether the sale for taxes took place under this Act or any former Act of this Province, may in person or by attorney lodge with the District Registrar a petition in writing describing the land sold and setting forth the particulars of the sale and the right or title by reason of which said surplus is claimed, and said petition shall be verified by affidavit and supported by such evidence as the District Registrar may require, and the District Registrar may, in his discretion, require the claimant to serve upon any person or corporation he may deem proper, either person or corporation, as and in such manner as he may direct, notice of his said application, and the District Registrar may upon such application order the surplus money applied for to be paid to the claimant or such other person as may be found entitled, and the claimant declare that it has been proven to the satisfaction of the District Registrar making such order that the person to whom the money is ordered to be paid is entitled thereto, and shall further state under what right or title he has been found so entitled, or the District Registrar may, in his discretion, in any case in which he shall consider it proper so to do, order the money to be paid to the credit of the Court of King's Bench, and in such case an order shall state the reason why the order was so made, and a copy of the order shall be filed in said Court, and the money so paid into Court shall then be dealt with upon an application by summons in such manner as a Judge in Chambers may order.

Apportionment
of interest
of balance.

448 In case it should be found that some person other than the petitioner is entitled to some portion of the money standing to the credit of any lot or lots of land the District Registrar shall have power to apportion the share or shares to which such person may be entitled in such manner as to him may seem just. (Sec. 194, Assessment Act, as enacted by Sec. 8, Cap. 26, 1892.)

Persons
entitled to
apply for
balance.

449 It is hereby declared that the person who shall be considered to be entitled to apply to the District Registrar under the last preceding section, for any money standing in the Tax Sales Fund to the credit of any parcel of land, shall be the person who was, at the expiration of the time for re-

deeming said land from said tax sale, the owner of the land or who held any incumbrance, security or lien under judgment or otherwise thereon or who is the assignee or legal representative of such person.

450 No action, suit or proceeding shall lie against the City for the recovery of any such surplus, or any portion thereof, after the same has been paid by the City in pursuance of such order by a District Registrar. (Sec 105, Assessment Act; Sec. 8, Cap. 26, 1892.)

City paying balance pursuant to order provided.

451 The same fees shall be paid upon any application made to the District Registrar as are payable in respect of applications in Chambers for a Judge's order in any suit or proceedings in the Court of King's Bench, and, if the District Registrar shall think it advisable to order the money to be paid into the Court of King's Bench or otherwise than into the hands of any claimant or his attorney he may in his discretion order such fees or the proper costs of the claimant or of the City or any part thereof to be taken from and paid out of the moneys which formed the subject of the claim, and in all cases where a claimant shall fail to obtain an order upon the City for payment the District Registrar may order him to pay the costs of the proceedings, and such order may be made a judgment of the Court of King's Bench by filing the same in said Court. Such District Registrar shall, charge for searches in the registry office an additional sum five per cent. of the amount involved, when such amount does not exceed \$10, and when the amount involved exceeds \$10 he shall receive a fee of \$2.00 and no more. (Sec 106, Assessment Act.)

Fees on such application.

452 The fact of claiming any surplus held in a "Tax Sales Fund" to the credit of any lot sold for arrears of taxes shall be considered as an admission of the validity of the sale of the lot in question by the claimant, and the said claimant and all persons claiming by, through or under him shall, from and after the time of making said claim, be debarred and estopped from taking any proceeding in law or equity to question or set aside said sale, notwithstanding that said claim shall have been made within the time otherwise limited for taking any proceedings to invalidate any tax sale, and said sale shall thereafter be held to be in all respects valid and binding as against the said claimant and those claiming by, through or under him as aforesaid. (Sec 107, Assessment Act.)

Claims on fund on lot sold in case of validity of sale.

453. In case of any suit or proceeding to set aside or question a sale for arrears of taxes being commenced, the

Notice of equity to set aside as null.

plaintiff in any such suit or proceeding shall, within ten days after the filing of any statement of claim, cause the Treasurer to be notified in writing of the fact of such suit or proceeding having been commenced, and the Treasurer in such case shall not forfeit any surplus held by him to the credit of the parcel of land in dispute, but shall hold the same subject to the order of any Judge or Court before whom said suit or proceeding shall or may be tried, and, in case the plaintiff succeeds, the said Judge or Court shall order the said surplus to be paid to the defendant tax purchaser, or his proper representatives, and in case the plaintiff fails in such suit or proceeding to set aside said sale, but proves to the satisfaction of the Judge or Court that he was at the time of such sale the lawful owner of said land, the person entitled to the said surplus purchase money according to the true intent and meaning of this Act, then, in such case, the said Court or Judge shall order such surplus to be paid over to said plaintiff or his legal representatives upon and after payment by said plaintiff of such of the defendant's taxed cost of defence of said suit or proceedings as the plaintiff shall have been ordered to pay. (Sec. 198, Assessment Act.)

Payment of
surplus

Improvements
to be paid for
if sale is set
aside.

454. In any suit or proceeding wherein judgment is given setting aside any sale for arrears of taxes or used given in personage turned, or dispossessing any person of lands purchased at a sale made for arrears of taxes or costs, the person against whom such judgment is given shall be entitled to be paid for any permanent improvements made thereon according to their reasonable value, and such value shall be determined on such judgment, and the same shall be a lien on the land in favor of the person entitled thereto until paid. (Sec. 199, Assessment Act.)

DUTIES OF OFFICERS RESPECTING OATHS AND DECLARATIONS.

Declaration of
qualification.

455. Every person elected or appointed under this Act to any office requiring a qualification of property in the municipality shall, before he takes the declaration of office or enters on his duties, make and subscribe a declaration to the effect following:—

I *A B* do solemnly declare that I am a natural born (or naturalized) subject of His Majesty, and have and had to my own use and benefit in my own right as owner at the time of my election (or appointment, as the case may require) to the office of

Freehold.

such an estate as does qualify
me to act in the office of (*naming the office*) for (*naming the*

place for which the declarant has been elected or appointed), and that such estate is (the nature of the estate to be specified, as, an equitable estate of freehold, describe the land), and that such estate at the time of my election (or appointment, as the case may require) was of the value of at least (specifying the value) over and above all charges, liens and incumbrances affecting the same and which said estate is rated in my name on the last revised assessment roll of the City of Winnipeg. (Sec. 310, Municipal Act.)

456. The Mayor, and each Alderman, every returning officer, deputy returning officer and poll clerk every clerk, treasurer, assessor, collector and constable, and every other officer appointed by the Council shall also, before entering on the duties of his office, make and subscribe a declaration to the effect following —

*Declaration
by certain
officers.*

I, *A. B.*, do solemnly promise and declare that I will truly, faithfully, and impartially, to the best of my knowledge and ability, execute the office of (insert the name of the office) to which I have been elected (or appointed) in the City, and that I have not received and will not receive any payment or reward or promise of such, for the execution of my partiality or mis-erotion or other undue execution of the said office, and that I have not by myself or partner, either directly or indirectly, any interest in any contract with or on behalf of the said corporation. (Sec. 311, Municipal Act.)

457. The Mayor and Aldermen, and the subordinate officers of the City, shall make the declaration of office and qualification before some Judge of the County Court, Peace Magistrate or other Justice of the Peace having jurisdiction in the City, or before the Clerk. (Sec. 312, Municipal Act.)

*Before whom
oath may be
taken.*

458. The Mayor, any Justice of the Peace, or other person authorized by "The Oaths Act" to take affidavits for use in Manitoba, or the Clerk, may administer any oath, affirmation or declaration under this Act relating to the municipal business of the City, except where otherwise specially provided and except where he is the party required to make the oath, affirmation or declaration. (Sec. 313, Municipal Act.)

*Who may
administer
oaths.*

459. The deponent, affirmant or declarant shall subscribe every such oath, affirmation or declaration, and the person administering it shall duly certify and preserve the same, and within eight days deposit the same in the office of the Clerk. (Sec. 314, Municipal Act.)

*Oaths, etc.,
to be signed
and deposited
of record.*

*Verification
of accounts.*

460. The Mayor or, in his absence, the chairman of the Council may administer an oath, affirmation or declaration to any person concerning any account or other matter submitted to the Council. (Sec. 315, Municipal Act.)

*Penalty for
refusing office
or neglecting
to make the
declaration.*

461. Every qualified person duly elected or appointed to be Mayor, Alderman, Assessment Commissioner, Treasurer, Comptroller, or Collector, who has not legally resigned or disclaimed and who refuses such office, or does not, within twenty days after knowing of his election or appointment, make the declaration of office, and that of qualification where a property qualification is required, and every person authorized to administer any such declaration, who upon reasonable demand refuses to administer the same, shall incur a penalty of twenty dollars. (Sec. 316, Municipal Act.)

REMUNERATION OF MAYOR AND ALDERMEN

*Indemnity to
members.*

462. No member of the Council shall be entitled to any payment for mileage or indemnity except as provided for in the two following sections:—

*Traveling
expenses of
members.*

463. The Council may pay the actual traveling expenses of any member of the Council duly authorized by the Council, to go on a journey beyond the limits of the City on the business of the Council. (Sec. 319, Municipal Act.)

*Mayor and
alderman.*

464. The City shall pay to the Mayor the sum of ~~twelve hundred~~ dollars per annum payable quarterly, and to each alderman a sum not exceeding three hundred dollars per annum payable quarterly. (Sec. 321, Municipal Act, as amended by Acts of 1892 and 1898.)

*Penalty for
accepting or
voting a
larger sum as
indemnity
than is pro-
vided by this
Act.*

465. Any member of the Council, accepting or voting in favor of paying any other or greater sum than is provided for in this Act for the purposes therein mentioned shall be disqualified from holding any municipal office or voting at a municipal election in the City of Winnipeg for a term of seven years, and upon conviction before any Justice of the Peace having jurisdiction shall be liable to a fine of not less than fifty dollars and costs and not more than three hundred dollars and costs, and in default of payment to imprisonment for not less than one month nor more than six months. (Sec. 322, Municipal Act.)

SALARIES, TENURE OF OFFICE AND SECURITY

*Remuneration
of officers.*

466. In case the remuneration of any of the officers of the City has not been settled by Act of the Legislature, the Council by by-law shall settle the same and the Council shall

— two thousand (1904)

there a provision for the payment of all municipal officers. (Sec. 323, Municipal Act.)

467 The Council shall not make any appointment or office or arrangement for the discharge of the duties thereof by tender or to applicants at the lowest remuneration. (Sec. 324, Municipal Act.)

468 Where an attorney or solicitor is employed by the City whose remuneration is wholly or partly by salary, annual or otherwise, the City shall notwithstanding have the right to recover and collect lawful costs and disbursements and proceedings in the same manner as if such attorney or solicitor were not receiving such salary, whether such costs are, by the terms of his or her contract payable to such attorney or solicitor as part of his remuneration in addition to his salary or not. (Sec. 325, Municipal Act.)

469 All fees and charges for searches, certificates, copies of documents or other services required from or to be rendered by any Clerk, Treasurer or other official of the City, are payable under any provisions of this or any other Act to any such Clerk, Treasurer or other official under the name or title of his office or in any other manner whatsoever, shall be considered as having been received for the City, unless where it is otherwise expressed in this Act or agreed upon between the Council and such official or fixing his salary or remuneration, and all such fees and charges shall be accounted for and paid to the City at least once each month. (Sec. 326, Municipal Act.)

470 All officers appointed by the Council shall, in addition to the duties assigned to them in this Act, perform all other duties required of them by any other statute or by the by-laws of the Council. Any such officer and any servant or employee heretofore or hereafter to be appointed may be removed or dismissed at any time by resolution of the Council, upon one month's notice or upon payment of one month's salary where such officer, servant or employee is hired by the month and upon three months' notice or payment of three months' salary where such hiring is permanent or by the year. Any person whose hiring is by or for a shorter period than one month, and with whom there is no agreement for and whose appointment contains no terms as to dismissal, may be dismissed upon notice or payment for a period equal to such term of hiring. For the purposes of this section the adoption by the Council of a report of committee shall be equivalent to a resolution. (Sec. 327, Municipal Act.)

Guarantee
policies.

471 The bonds or policies of guarantee of any incorporated or joint stock company empowered to grant guarantees, bonds or policies for the integrity and faithful accounting of public officers and other like purposes shall be accepted in all cases where by the provisions of this or any other Act, or of any by-law of such corporation such officer or servant is required to give security, and all the provisions in any such Act relating to such security to be given by such officer or servant, or his sureties, shall apply to the bonds and policies of guarantee of such company as aforesaid which may be taken instead of or in substitution for any existing securities if the parties directed or authorized as aforesaid see fit. Such bonds or policies of guarantee and the incorporated or joint stock company granting the same must first be approved by the Lieutenant Governor-in-Council. (See 328, Municipal Act)

Guarantee
policies and
company to
be approved
by Lieutenant
Governor-in-
Council.

GENERAL JURISDICTION OF THE COUNCIL

Jurisdiction of
the Council.

472 The jurisdiction of the Council shall be confined to the City except where its authority beyond the same is expressly given, and the powers of the Council shall be exercised in accordance with law when not otherwise authorized or provided for. (See 330, Municipal Act)

General power
to make
regulations.

473. The Council may make regulations, not specifically provided for by this Act and not contrary to law, for governing the proceedings of the Council, the conduct of its members, the appointing or ending of special meetings of the Council and generally such other regulations as the good of the relations of the City requires, and may repeal, alter and amend its by-laws, save as by this Act restricted. (See 330, Municipal Act)

To repeal,
alter and
amend by-
laws.

Council's con-
tinuing body.

474. The Council shall be deemed and considered as always continuing and existing, notwithstanding any annual or other election of members composing the same, and, upon any, after the annual or other election of the members thereof and their having organized and held their first meeting as a Council, every Council may take up and carry on to completion all by-laws, reports and proceedings which had been begun or had been in or consideration by the Council, either in the then next preceding year or subsequent or prior thereto, and it shall not be necessary to begin de novo with any by-law, proceeding, report, matter or thing entertained by the Council in such preceding year, or subsequent or prior thereto as aforesaid. (See 331, Municipal Act)

Made of com-
pelling per-

475 Whenever the Council has any authority to direct, by by-law or otherwise, that any matter or thing shall be

done by any person or corporation, such Council may also, ^{Formation of road from directed by Council to be done} by law so as or another by law direct that in default of its being done by the person such matter or thing shall be done at the expense of the person in default and may recover the expense thereof with costs by action or distress, and, in case of non-payment thereof, the same shall be recovered in like manner as municipal taxes. (Sec. 332 Municipal Act.)

476. In all cases where under the provisions of this Act ^{Traders, hawkers, etc} or any other Act, the Council, or the Board of Commissioners or of Police, or either of them, is or are authorized to pass by-law for licensing any trade, calling, business or profession, or the person carrying on or engaged in any such trade, calling, business or profession, the Council and the Board of Commissioners of Police respectively shall have the power to pass by-law for fixing the sum to be paid for such licenses for exercising any such trade, calling, business or profession in the municipality and enforcing the payment of the license fee and determining the time the license shall be in force. (Sec. 333 Municipal Act.)

477. Wherever in this Act the Council is authorized to license any person, trade or occupation, the license fee may include not only a fee for the certificate or license but also a fee or fees for each of the animals, articles or appliances which the licensee is authorized to keep, use or employ that is to say, horses, carts, carriages, drays, conveyances, water carts or other vehicles, billiard tables, or other articles. (Sec. 5, Chap. 20, 40 Vic.) ^{License fee may include fee for each animal, etc}

478. The Council shall not have the power to give any person an exclusive right of exercising within the City any trade or calling or to impose a special tax on any person exercising the same or to require a license to be taken for exercising the same unless authorized or required by statute so to do, but the Council may direct a fee, not exceeding one dollar to be paid to the proper officer, for a certificate of compliance with any regulations in regard to any trade or calling. (Sec. 334, Municipal Act.) ^{Granting monopolies prohibited}

BY LAWS.

AUTHENTICATION

479. Every by-law shall be under the seal of the City, and shall be signed by the Mayor or acting Mayor, or by the ^{How by-laws to be authentic issued}

person presiding at the meeting at which the by-law has been passed, and by the Clerk or acting Clerk. (Sec. 336, Municipal Act.)

Printed
copies of by-
laws are
evidence.

480. A copy of any by-law, written or printed, and under the seal of the City, and certified by the Clerk or acting Clerk, shall be a true copy, and be received in all Courts and be received as *prima facie* evidence in any Court of justice, with out proof of the correctness of the copy, unless it be specially pleaded and alleged that the seal or the signature has been forged. (Sec. 337, Municipal Act.)

By laws pur-
porting to be
printed by
Council, prima
facie evidence.

481. Printed documents purporting to be printed copies of any or all by-laws passed by the Council, and purporting to be printed by authority thereof, shall be received as *prima facie* evidence in all Courts in this Province of such by-laws and of the true passing thereof. (Sec. 338, Municipal Act.)

By laws
requiring
approval of
Lieutenant
Governor.

482. The facts required by this Act to be recited in any by-law, which requires the approval of the Lieutenant-Governor in Council, shall, before receiving said approval be verified by a statutory declaration of the Mayor and Clerk, or by each of or any person or persons, on such other evidence as to the Lieutenant-Governor in Council satisfactorily proves the facts so recited or, in case of the latter's absence of any such officer, upon the statutory declaration of any other member of the Council whose declaration the Lieutenant-Governor in Council may accept. (Sec. 339, Municipal Act.)

Sec. 216 to 226
of the City Chap-
ter Act, to continue
in force for
certain
purposes.

483. The sections numbered from three hundred and thirty-seven to three hundred and twenty-six, both inclusive, of Chapter fifty-two of the Acts of the Legislature of Manitoba passed in the forty-ninth year of Her late Majesty's reign shall, notwithstanding anything in this Act or in the Act chaptered fifty-two of the Acts passed in the fifty-third year of Her late Majesty's reign, and notwithstanding the repeal of either of the said Acts, continue in force so far as they affect by-laws passed before the first day of June in the year one thousand eight hundred and ninety, and, notwithstanding the repeal of those Acts or anything in this Act, be effective and be used in pursuance of any such by-law so passed. (Sec. 340, Municipal Act.)

OBJECTIONS BY RATEPAYERS.

Opposition to
by-laws.

484. In case a person rated on the assessment roll of the City objects to the passing of a by-law, the passing of which is to be preceded by the application of a certain number of

the rateable inhabitants of such City, he shall, on petitioning the Council or at liberty to attend in person, or by counsel or solicitor before the Council at the time at which the by-law is intended to be considered, or before a committee of the Council appointed to hear evidence thereon, and may produce evidence that the petition is not one of the applications for the by-law was not given, or that any of the signatures to the application are procured, or were obtained upon incorrect statements, and that the proposed by-law is contrary to the wishes of the persons whose signatures were so obtained, and that the remaining signatures do not amount to the number or represent the amount of property necessary to the passing of the by-law. (Sec. 341, Municipal Act.)

How to be made

485. If the Council is satisfied upon the evidence that the application for the by-law did not contain the names of a sufficient number of persons whose names were obtained without fraud and in good faith, or who represent the requisite interest of property and are desirous of having the by-law passed, or if the Council is satisfied that the notice required by law was not duly given, the Council shall not pass the by-law. (Sec. 342, Municipal Act.)

When by-laws shall not pass

REFERENCE TO RATEPAYERS.

486. In case a by-law requires the assent of the electors of the City before the final passing thereof, the following proceedings shall be taken for ascertaining such assent, except in cases otherwise provided for:—

If a by-law requires the assent of the electors, mode of obtaining same

(a) The Council shall, by by-law, fix the day and hour for taking the votes of the electors, and such places in the City as the Council shall in their discretion, deem best for the purpose, and, where the votes are to be taken at more than one place, shall name a deputy returning officer to take the votes at every such place, and the day so fixed for taking the votes shall not be less than three nor more than five weeks after the first publication of the proposed by-law.

Time and place of voting to be fixed by by-law

(b) The Council shall, before the final passing of the proposed by-law, publish in some public newspaper published within the City, in at least one number of such paper each week for three successive weeks, and post up in four or more of the most public places in the City, a notice signed by the Clerks, setting forth concisely the objects of the by-law, and naming the hour, day and place or places fixed for taking the vote of the electors for or against said by-law. (Sec. 343, Municipal Act.)


Publication of by-law

487. Fourteenth after the day has been fixed as aforesaid for taking the votes of electors with respect to the by-law, the

Notice papers to be printed

Clerk shall cause to be printed, at the expense of the City, such number of ballot papers as will be sufficient for the purposes of the voting (Sec. 344, Municipal Act.)

Form of 488. The ballot papers shall be according to the following form.—

	IN Voting on resolution to alter the name, extent of the City of Winnipeg	FOR The By-law
	AGAINST The By-law	

(Sec. 345, Municipal Act.)

Conferred to fix a day for the appointment of persons to attend at the various polling places and at the time, summing up of the votes by the Clerk respectively, on behalf of the persons interested in and desirous of promoting or opposing the passage of the by-law respectively

489. The Council shall, by by-law, fix a time when and a place where the Clerk shall sum up the number of votes given for and against the by-law, also a time and place for the appointment of persons to attend at the various polling places and at the time, summing up of the votes by the Clerk respectively, on behalf of the persons interested in and desirous of promoting or opposing the passage of the by-law respectively (Sec. 346, Municipal Act.)

Selection of persons.

490. At the time and place named, the Mayor may appoint, in writing signed by him, two persons to attend at the first summing up of the votes, and one person to attend at each polling subdivision on behalf of the persons interested in and desirous of promoting the passing of the by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of the by-law (Sec. 347, Municipal Act.)

Agenda to make declaration.

491. Before any person is so appointed he shall make and subscribe, before the Mayor or Clerk, a declaration that he is interested in, and desirous of promoting or opposing (as the case may be) the passing of the by-law, which declaration shall be in the following form or to the like effect

Form of declaration by agent.

I, the undersigned, A. B., solemnly declare that I am a ratepayer of the City of Winnipeg, and that I am desirous

of promoting (or opposing, as the case may be) the passing of the by-law (here insert *object of the by-law*), submitted to the Council of said City.

(Signature)

A B

Made and declared before me this day of
A.D. 19 .

C. D. Meyer

(Sec. 248, Mineral Act.)

492 Every person so appointed, before being admitted to the polling place or the counting up of the votes, as the case may be, shall produce to the deputy returning officer, Mayor or Clerk, as the case may be, his written appointment. (Sec. 349, Municipal Act.)	Admission of applicant to polling place, etc.
---	---

Alignment of
spindle to
pulling place
etc.

493. In the absence of any person authorized as aforesaid to attend at a polling place, or at the final summing up of the votes, any elector in the same interest as the person so absent may, upon making and subscribing before the deputy returning officer at the polling place, or the Clerk of the City, a declaration similar in form to the declaration set forth in section 491 of this Act, be admitted to the polling place to act for the person so absent. (Sec. 350, Municipal Act.)

A. Equidistant Method
The midpoints of the
intervals.

484 During the time appointed for polling no person shall be entitled or permitted to be present in any polling place other than the officers, clerks and persons or electors authorized to attend as aforesaid at the polling place. (Sec. 351, Municipal Act.)

**Fluctuations
from position
alone**

495 The Clerk, on the request of any elector to vote at one of the polling places who has been appointed deputy returning officer, agent or poll clerk, or who has been named as the person to station at a polling place other than the one where he is entitled to vote, shall give to such elector a certificate that such deputy returning officer, poll clerk or person is entitled to vote for or against the by-law at the polling place where such elector is stationed during the polling day, and the certificate shall also state the property or other qualification in respect to which he is entitled to vote. (Sec. 853, Municipal Act)

Despite enjoying millions, politicians find it difficult to get their names into the papers.

496 On the production of the certificate, the deputy returning officer, poll clerk or person shall have the right to vote at the place where he is stationed during the polling day instead of at the polling sub-division where he would otherwise

Das zertifizierte
Rennrad-Produkt

wise have been entitled to vote, and the deputy returning officer shall attach the certificate to the list of electors, but no such certificate shall entitle such elector to vote at such polling place unless he has been actually engaged as deputy returning officer, poll clerk or person during the day of polling. (Sec. 353, Municipal Act.)

Who to administer oaths in each division.

497 In case of a deputy returning officer voting at the polling place at which he is appointed to act, the poll clerk, or, in the absence of the poll clerk, any one authorized to be present at the polling place, may administer to the deputy returning officer the oath required to be taken by voters qualified to vote on the by-law. (Sec. 354, Municipal Act.)

List of electors.

~~**498** The Assessment Commissioner shall, before the poll is opened, prepare and deliver to the Clerk who shall deliver to the deputy returning officer for every polling sub-division, a list of electors containing the names, arranged alphabetically, of all persons on the last revised list of electors appearing by the revised assessment roll upon which said list of electors was based to be entitled, under the provisions of section 361 of this Act, to vote in that polling sub-division, and such Assessment Commissioner shall attach to said list his writing under his hand. (Sec. 355, Municipal Act.)~~

*Repealed in 1907 in efforts
POLLING.*

Voting to be by ballot.

499 At the day and hour fixed as aforesaid, a poll shall be held, and the vote shall be taken by ballot. (Sec. 357, Municipal Act.)

Form of directions for guidance of voters.

500. The printed directions to be delivered to the deputy returning officers shall be in the form following, that is to say —

DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING

The voter will go into one of the compartments, and with the pencil, provided in the compartment, place a cross (thus X) on the right hand side, in the upper space, if he votes for the passing of the by-law and in the lower space if he votes against the passing of the by-law.

The voter will then fold up the ballot paper so as to show the name or initials of the deputy returning officer (or returning officer, as the case may be) signed on the back, and leaving the compartment will, without showing the front of the paper to any person, deliver such ballot so folded to the deputy returning officer (or returning officer, as the case may be) and forthwith quit the polling place.

483. The assessment commissioner shall, three days before the poll is opened, prepare and deliver to the clerk, who shall deliver to the deputy returning officer for every polling division, lists of electors properly divided into polling divisions, containing the names, arranged alphabetically, of all those persons on the last revised lists of electors, for all the wards of the city who were placed on those lists by the assessment commissioner from the general assessment roll, being the first source from which he obtained the lists of electors, as provided by section 50 of this Act, and all persons who, because of their qualifications on the general assessment roll as owners, were added thereto by the County Court Judge on the final revision of the list of electors.



617 Ed. 88 Cap. 48 Sec. 50 (1907)

If the voter inadvertently spoils a ballot paper, he may return it to the deputy returning officer (or returning officer, as the case may be), who will, if satisfied of such inadvertence, give him another ballot paper.

If the voter places on the paper more than one mark, or places any mark on the paper by which he may be afterwards identified, his ballot paper will be void, and will not be counted.

If the voter takes a ballot paper out of the polling place, or deposits in the ballot box any other paper than the one given to him by the deputy returning officer (or returning officer, as the case may be), he will be subject to imprisonment for any term not exceeding six months, with or without hard labor.

(In the following form of Ballot Paper, given for illustration, the elector has marked his ballot paper in favor of the passing of the by-law.)

	Voting on By-law to (here insert object of the By-law), submitted to the Council of the City of Winnipeg	FOR The By-law.	
		AGAINST The By-law.	

(Sec. 350, Municipal Act.)

501 The proceedings at the poll, and for and incidental to the same and the purposes thereof, shall be the same, as nearly as may be, as at municipal elections, and all the provisions of the sections of this Act numbered from 34 to 48 inclusive, from 112 to 118 inclusive and from 121 to 178 inclusive, so far as the same are applicable, and except so far as is herein otherwise provided, shall mutatis mutandis apply to the taking of votes at the poll and to all matters incidental, thereto. (Sec. 358, Municipal Act.)

Proceedings at the poll, etc. to be as at municipal elections.

~~—502—There shall be two distinct sets of such ballot papers; one of such sets of ballot papers shall be white and the other of such sets of same other color. The white ballot papers shall be used in voting by persons who are marked as "res-~~

Different sets of ballot paper for "resident" and "non-resident" voters.

Repealed in 1907.

~~shall be upon the list of electors delivered to the deputy returning officers as hereinafter provided, and the ballot papers of the other color shall be issued by persons who are marked as "non-residents" upon such list. (Sec. 358a, Municipal Act, as enacted by Sec. 4, Chap. 25, 56 Vic, 1892.)~~

Duty of Assessment Commissioner as to issue of notices for voting on matters for which money is to be raised.

509. Upon request on that behalf from the City Clerk it shall be the duty of the Assessment Commissioner to prepare a correct list of all the persons legally entitled to vote under the next following section of this Act, and opposite to each name upon such list such Assessment Commissioner shall place the letters "R" or "N" signifying that the person so named is resident or non-resident, as the case may be. The Assessment Commissioner shall prepare, sign and forward such polling subdivision. The Assessment Commissioner shall certify such list or lists under his hand and deliver the same three days prior to the polling day to the Clerk, who shall deliver to each deputy returning officer a list of such part of the list containing the names of the persons entitled to vote in the polling subdivision for which said deputy returning officer is acting. The said list upon so certified shall be prima facie evidence that the persons named therein are duly qualified to vote, and that the persons whose names are so marked "R" are resident legally qualified electors, and that the persons whose names are so marked "N" are non-resident legally qualified electors, and said list shall be received as prima facie evidence in any Court in the Province without proof of the signature or handwriting of such Assessment Commissioner. It is hereby further provided that in proceeding to ascertain whether the requisite number of electors legally qualified electors have voted in favor of the tax, the Assessment Commissioner may, upon evidence satisfactory to him, strike out or exclude the names of persons appearing on the assessment who are such persons as seemed to be resident electors on the day prior to the day of voting and the Assessment Commissioner shall, in ascertaining the total number of legally qualified electors resident in the City, count the name of an elector but once, excluding all repetitions of such name in the polling subdivision lists after the first list in which such name has been counted. The said Assessment Commissioner may rely solely as to the identity of an elector whose name appears in more than one polling subdivision list upon his own knowledge or upon a statutory declaration or other written evidence produced before him. He shall file and preserve all such evidences and proofs. The Assessment Commissioner shall certify under his hand and under three days prior to the submission of any

and whose name appears or purports
to appear on the list of electors furnished by the clerk to
the deputy returning officer, pursuant to section 495 of this
Act "

6th Ed. of Cap. 48 Sec. 47 (1907).

~~such by-law for assent by the ratepayers of the City, to the City Clerk the total number of legally qualified electors resident in the City (the name of each being ascertained but once as heretofore provided) to cause said Clerk to declare the result and to certify to the Council as to whether the majority of the electors voting upon a by-law have approved or disapproved of the same as provided by section 600 of this Act. (Sec. 388, Municipal Act, as amended by I Ed. Ch. 44.)~~

Repealed in 1907

504. Every ratepayer, male or female, shall be entitled to vote on any by-law requiring the assent of the electors, who at the time of tender of the vote, is of the full age of twenty-one years and a natural born or naturalized subject of His Majesty, and who has neither directly nor indirectly received, nor is in expectation of receiving, any reward or gift for the vote which he or she tenders; and who is at the time of the tender a freeholder in his or her own right, within the City, to the value of four hundred dollars, and is rated on the last revised assessment roll as such freeholder for said amount. Provided that such person be named or purports to be named in the list of electors. (Sec. 380, Municipal Act.)

Who may vote on by-laws.

505. Any ratepayer offering to vote in respect of a freehold on such by-law may be required by the deputy returning officer, or by any ratepayer entitled to vote on such by-law to make the following oath or affirmation, or any part thereof, or to the effect thereof before his vote is recorded:

Oath of person voting on by-law.

You swear (or solemnly, sincerely and truly declare and affirm) that you are of the full age of twenty-one years, and a natural born (or naturalized), subject of His Majesty. *Part of*
~~That you are a freeholder in your own right within the City of Winnipeg; rated on the last revised assessment roll as such freeholder to the value of four hundred dollars or more;~~

1907

That you have not voted before on the by-law in this election,

That you have not, directly or indirectly, received any reward or gift, nor do you expect to receive any, for the vote which you tender,

That you are the person named, or purporting to be named, in the list of electors *properly produced and shown to you*

(1907)

That you have not received anything nor has anything been promised to you directly or indirectly, either to induce you to vote on this by-law, or for loss of time, traveling ex-

penses, hire of team, or any other service connected therewith,

And that you have not, directly or indirectly, paid or procured anything to any person, either to induce him or her to vote, or refrain from voting.

No inquiries shall be made of any voter except with respect to the facts specified in such oath or affirmation. (Secs. 362 and 363, Municipal Act.)

Form of statement to be made by deputy returning officer of the result of polling.

505a. The written statement to be made by every deputy returning officer at the close of the polling shall be made under the following heads:—

(a) Name or number of polling sub-division and of the City and the date of the polling.

(b) Number of votes for and against the by-law, specifying in each case the number of votes which were cast by resident electors and non-resident electors respectively.

(c) Rejected ballot papers.

(Sec. 364, Municipal Act Cap. 25, 1892.)

Objections to ballot papers.

506. The deputy returning officer shall take a note of any objection made by any person authorized to be present to any ballot paper found in the ballot box, and shall decide any question arising out of the objection. Each objection to a ballot paper shall be numbered and a corresponding number placed on the back of the ballot paper and initialed by the deputy returning officer. (Sec. 365, Municipal Act.)

To be numbered.

Deputy returning officer: Justices after votes are counted.

507. Every deputy returning officer, at the completion of the counting of votes after the close of the poll, shall, in the presence of the persons authorized to attend, make up into separate packets, sealed with his own seal and the seals of such persons authorized to attend as desire to affix their seals, and marked upon the outside with a short statement of the contents of such packet, the date of the day of the polling, the name of the deputy returning officer, and of the polling sub-division and City—

(a) the statement of votes given for and against the by-law, and of the rejected ballot papers;

(b) The used ballot papers which have not been objected to and have been counted.

(c) The ballot papers which have been objected to, but which have been counted by the deputy returning officer;

(d) The rejected ballot papers.

S. O. R. may wish the party returning of food & small household
furnish and packages in the ballot box and personally deliver and seal the
same and personally deliver it to the returning officer or if he
is unable to do so owing to illness or other cause he shall deliver
such ballot box containing said packages to a person chosen by
him for the purpose of delivering the same to the returning
officer and shall mention in his certificate of the name of each of
the two parties the names of the person to whom the same is being
so delivered and shall take a proper receipt therefor -

S. 20 v. Cap 49 (1903)

(e) The spoiled ballot papers;

(f) The unused ballot papers;

(g) The poll book, with the oath required by the next following section annexed thereto, a statement of the number of voters whose votes are marked by the deputy returning officer under the heads "Physically incapable" and "Unable to read," with the declarations of inability, and the notes taken of objections made to ballot papers found in the ballot box (Sec. 366, Municipal Act.)

508 Every deputy returning officer shall, at the close of the poll, certify, under his signature, on the poll book, in full words, the total number of persons who have voted at the polling place at which he has been appointed to preside, and shall, before placing the poll book in its proper packet as aforesaid, make and subscribe before the returning officer, a Justice of the Peace or the poll clerk, his oath or affirmation that the poll book was used in the manner prescribed by law, and that the entries required by law to be made therein were correctly made, which oath or affirmation shall thereafter be annexed to the poll book, and such oath or affirmation shall be in the form following, that is to say:—

Sworn to and oath of deputy returning officer and return of poll book and of ballot box

OATH OR AFFIRMATION OF DEPUTY RETURNING OFFICER AFTER THE CLOSING OF THE POLL.

I, C. D., the undersigned deputy returning officer for polling sub-division No. , of the City of Winnipeg, do solemnly swear (or if he is a person permitted by law to affirm, do solemnly affirm) that to the best of my knowledge the annexed poll book used in, and for the said polling sub-division No. of the said City, was so used in the manner prescribed by law, and that the entries required by law to be made therein were correctly made.

Form of oath or affirmation

(Signed)

C. D.,

Deputy Returning Officer.

Sworn (or affirmed) before me at the City of Winnipeg
this day of , A.D. 19 .

(Signed)

X. Y.,

Justice of the Peace,

or A. B.,

Returning Officer

(Sec. 367, Municipal Act.)

Sworn as a by law

509 The returning officer, after he has received the ballot box containing papers and the statements before mentioned

Returning officer to seal

up voice and
declare
results

of the number of votes given in each polling place, shall, at the time and place appointed by the by-law, in the presence of the persons authorized to attend, or such of them as may be present, without opening any of the sealed packets of ballot papers, sum up from such statements the numbers respectively of votes for and against the by-law, and shall then and there declare the result and forthwith certify to the Council, under his hand, whether the requisite majority of the electors voting upon the by-law have approved of the by-law. (Sec. 368, Municipal Act)

Returning
officer not to
have casting
votes as to
counts by
laws

510. Where the assent of the electors, or of the ratepayers, or a portion of them, is necessary for the validity of a by-law, the returning officer or other officer shall not be entitled to give a casting vote. (Sec. 369, Municipal Act)

SECRECY OF PROCEEDINGS.

Maintaining
secrecy of
voting at
voting places.

511. Every officer, clerk or person in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place. (Sec. 370, Municipal Act)

Voters not to
be interfered
with

512. No officer, clerk or other person whatsoever shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain, at the polling place, information as to the manner in which any voter at such polling place is about to vote or has voted. (Sec. 371, Municipal Act)

No informa-
tion to be
given as to
how any one
voted.

513. No officer, clerk or other person shall communicate at any time, to any person, any information obtained at a polling place as to the manner in which any voter at such polling place is about to vote or has voted. (Sec. 372, Municipal Act)

Secrecy to be
maintained at
counting of
votes.

514. Every officer, clerk and person in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting, and shall not communicate or attempt to communicate any information obtained at such counting as to the manner in which any vote is given in any particular ballot paper. (Sec. 373, Municipal Act)

Voters not to
be refused at
displaying votes.

515. No person shall, directly or indirectly, induce any voter to display his ballot paper, after he has marked the same, so as to make known to any person the manner in which he has marked his vote. (Sec. 374, Municipal Act)

Penalty for
contravening
next preceding
sections.

516. Every person who acts in contravention of any or either of the five preceding sections shall be liable, on sum-

many conviction before a Police Magistrate, or two Justices of the Peace, to imprisonment for any term not exceeding six months, with or without hard labor (Sec. 375, Municipal Act.)

517. The returning officer and every other officer, poll clerk or person authorized to attend a polling place, or at the counting of the votes shall before the opening of the poll, make a declaration of secrecy, in the presence, if he is the returning officer, of a Justice of the Peace, and if he is any other officer, or a poll clerk or an agent, in the presence of a Justice of the Peace, or the Clerk of the City, or a deputy returning officer, and such declaration of secrecy shall be given in the form following or to the like effect:

Declaration of
secrecy to be
made by
officers, etc.,
before a poll

I *A. B.*, solemnly promise and declare that, at the voting Form of:
on the by-law submitted to the electors by the Council of the City of Winnipeg (and the voting on which has been appointed for this day), I will not attempt in any way whatsoever unlawfully to ascertain the manner in which any elector shall vote or has voted, and will not in any way whatsoever aid in the unlawful discovery of the same, and I will keep secret all knowledge which may come to me of the manner in which any elector has voted.

Made and declared before me at the City of Winnipeg,
this day of , A.D. 19 .

C. D.,

Justice of the Peace (or Clerk of the City of Winnipeg.)
(Sec. 376, Municipal Act.)

RECOUNT

518. If, within two weeks after the returning officer has declared the result of the voting, any elector applies upon petition to the County Judge, after giving such notice of the application and to such persons as the Judge directs, and shows by affidavit to the Judge reasonable grounds for entering into a recount of the ballot papers, and the petitioner makes a deposit of one hundred dollars with the Clerk of the County Court of Winnipeg, the receipt of which clerk therefor shall be conclusive evidence of such deposit, the Judge may appoint a day and place, within the City, for entering into the recount. (Sec. 377, Municipal Act.)

Recount may
be had on
application to
County Judge

519. At least one week's notice of the day appointed for the recount shall be given by the petitioner to such persons as the Judge directs, and to the returning officer (Sec. 378, Municipal Act.)

Notice of time
of recount

Proceedings.

520. ~~On the day and at the hour appointed, the Clerk shall attend before the Judge with the ballot papers in his custody, and the Judge upon inspecting the ballot papers, and hearing such evidence as he deems necessary, and on hearing the parties, or such of them as may attend, or their counsel, shall, in a summary manner, determine whether the requisite majority of the votes given is for the by-law, and shall forthwith certify the result to the Council. The Judge may take evidence as to the death or removal from the City prior to the day of voting of all persons whose names appeared on the list of electors of the City, who otherwise would have been legally qualified resident electors and entitled to vote. He may also take evidence as to persons whose names appear on more than one list of electors for the polling sub-divisions in the City, and he may exclude from the computation of the total number of legally resident qualified electors those who had died or had removed prior to the day of voting and un-repetitions of names of any electors appearing on more than one of said polling sub-division lists. (Sec. 379, Municipal Act, as amended by Sec. 4, Cap. 32, 1900.)~~

Repealed in 1907

Powers of Judge.

521. The Judge shall, on the recount, possess the like powers and authority, as to all matters arising upon the recount as are possessed by him upon a trial of the validity of the election of a member of the Council, and in all cases costs shall be in the discretion of the Judge as in the case of applications to quash a by-law, or he may apportion the costs as to him seems just. (Sec. 380, Municipal Act.)

Costs.

VOTING ON BY-LAW BY MACHINE.

City may adopt voting by machine on by-laws submitted to ratepayers.

521a. It shall be competent for the City, by by-law, to adopt, in lieu of the ballot in taking the vote of the ratepayers upon by-laws submitted to them, a system of voting by means of an invention known as and called "The Macdonald Voting Machine." In such case the provisions of this Act relating to voting by ballot upon submission of by-laws to the ratepayers shall not apply and the provisions following shall govern:

Voting to be by means of voting machine.

(a) Forthwith after the day has been fixed for taking the vote of electors, with respect to a by-law, the returning officer shall cause to be procured at the expense of the City a sufficient number of voting machines known as "The Macdonald Voting Machine."

(b) At the day and hour fixed, as aforesaid, a poll shall be held, and the vote shall be taken by means of "The Macdonald Voting Machine," one section of the lid of which

520 On the day and at the hour appointed the Clerk shall attend before the Judge with the ballot box, the books, papers and documents required to be placed therein in his custody, and the Judge upon inspecting the ballot papers and Voters Lists

His Ed or wth or

shall be marked for the by-law and the other against the by-law

(c) ~~In the case of a poll with respect to a by-law, where a distinction is drawn between "Resident" and "Non-Resident" voters, the voting machine provided shall be furnished with a double set of registers and corresponding appliances, which sets shall be provided with suitable labels marked "Resident" and "Non-Resident," respectively~~ ^{Voting as by law when distinction is drawn between resident and non-resident voters}

(d) ^{deputes} The proceedings at the poll, and for and incidental to the same and the purposes thereof, shall be as nearly as may be the same as at municipal elections, and all the provisions of this Act relating to taking votes by machine, so far as the same are applicable, and except so far as in section 531a of this Act is otherwise provided, shall mutatis mutandis apply to the taking of votes at the poll and to all matters incidental thereto. ^{Proceedings to be as at municipal elections.}

(e) The printed directions to be delivered to the deputy returning officers shall be in the form in Schedule "J" to this Act. ^{Form of directions for guidance of voters.}

(f) Immediately after the close of the poll in every polling place the deputy returning officer shall in the presence of the persons authorized to attend, unlock the box, first dropping the stop bar and locking the same down. He shall then read off and make a statement of the numbers shown on the dials, placing opposite to the word "For" the number shown on the dial of the register attached to the tube placed under the opening located in the section marked "For" and opposite the word "Against" the number shown on the other dial. Such statement shall then be signed by the deputy returning officer, the poll clerk, if any, and each of the persons present as may so desire, and enclosed in a sealed packet, together with the voters' list and such other lists and documents as may have been used at such election, marked upon the outside with the date of the day of polling, the name of the deputy returning officer, and the name and number of the ward or polling subdivision and the City. ^{Proceedings at close poll.}

(g) The returning officer, after he has received the voting machine containing the statements before mentioned of the number of votes given at each polling place, shall, at the time and place appointed by the by-law, in the presence of the persons authorized to attend or such of them as may be present, sum up from such statements the number of votes for and against the by-law respectively, and shall then and there declare the result, and forthwith certify to the Council, under his hand, whether the required majority of the electors voting upon the by-law have approved or disapproved of the by-law. ^{Returning officer to count up votes and declare results.}

PASSING BY-LAWS BY THE COUNCIL.

By-law carried
by majority to be
passed by
Council.

522. A by-law which is duly carried by the vote of the qualified electors shall, within six weeks thereafter, be finally passed by the Council, but the failure to finally pass said by-law within said time shall not invalidate the same if passed at any subsequent time. The Council finally passing said by-law need not be composed of the same members as the Council which introduced or submitted said by-law to vote. (Sec. 381, Municipal Act.)

The passing of
a by-law
delayed on
presentation
of a petition.

523. In case of a petition for a recount being presented, the by-law shall not be passed by the Council until after the petition has been disposed of, and the time which intervenes between the presenting of the petition and the final disposal thereof shall not be reckoned as part of the six weeks within which the by-law is to be passed. (Sec. 382, Municipal Act.)

CONFIRMATION OF BY-LAWS.

Promulgation
of by-laws.

524. Every promulgation of a by-law shall consist in the publication in a public newspaper published within the City, in at least one number of such paper each week for three successive weeks of a notice setting forth concisely the objects of such by-law and the following statement:—

Statement in
notice.

All persons are hereby required to take notice that any one desirous of applying to have such by-law or any part thereof, quashed must make his application for that purpose to a Judge of the Court of King's Bench sitting in Chambers within two weeks next after the publication of this notice once a week for three successive weeks in the newspaper called the (*giving name of newspaper*), or he will be too late to be heard in that behalf.

(Sec. 383, Municipal Act.)

If not moved
against within
that time the by-law
to be valid.

525. In case no application to quash a by-law be made, within two weeks next after the third publication of such notice as aforesaid, the by-law, or so much thereof as is not the subject of any such application or not quashed upon such application and so far as the same ordains, prescribes or directs anything within the proper competence of the Council to ordain, prescribe or direct, shall, notwithstanding any want of substance or form, either in the by-law itself or in the time and manner of passing and voting upon the same, be a valid by-law. (Sec. 384, Municipal Act.)

QUASHING BY-LAWS.

526. In case a resident of the City or any other person interested in a by-law, order or resolution of the Council thereof applies to a Judge of the Court of King's Bench sitting in Chambers, and produces to the Judge a copy of the by-law, order or resolution, certified under the hand of the Clerk and under the corporate seal, and shows by affidavit that the same was received from the Clerk, and that the applicant is a resident or interested as aforesaid, the Judge after at least ten days service on the corporation of a summons or rule to show cause in this behalf, may quash the by-law, order or resolution, in whole or in part, for illegality, and, according to the result of the application award costs for or against the corporation. The decision of such Judge may be appealed against to the full Court in the same manner as any other order made by said Judge. (Sec 385, Municipal Act.)

Quashing of
by-law

527. No application to quash a by-law, order or resolution, in whole or in part, shall be entertained unless the application be made within one year from the passing of the by-law, order or resolution, except in the case of a by-law requiring the assent of the electors or ratepayers, when the by-law has not been submitted to, or has not received the assent of, the electors or ratepayers, and in such case an application to quash the by-law may be made at any time. (Sec 386, Municipal Act.)

Time within
which applica-
tion must be
made

Exception.

527a. In case a by-law, by which a rate is imposed, has been promulgated in the manner hereinbefore specified no application to quash the by-law shall be entertained after the expiration of two weeks from such promulgation. (Sec 387, Municipal Act. Sec 6, Cap. 32, 63 and 64 Vic.)

528. Any by-law, the passage of which has been procured through, or by means of, any violation of the provisions of any of the sections of this Act, shall be liable to be quashed, upon an application to be made in conformity with the provisions hereinbefore contained. (Sec 388, Municipal Act.)

Quashing by-
laws obtained
by corrupt
practices, etc

529. Before determining an application for the quashing of a by-law upon the ground that any of the provisions of this Act have been contravened in procuring the passing of the same, and if it is made to appear to a Judge of the Court of King's Bench that probable grounds exist for a motion to quash the by-law, the Judge may make an order for an inquiry to be held, upon such notice to the parties affected as the Judge may direct, concerning the said

Procedure in
such cases.

Inquiry by
County Judge.

grounds before the Judge of the County Court of Winnipeg, and require that upon the inquiry all witnesses, both against and in support of the by-law, be orally examined and cross-examined, upon oath before such County Court. (Sec. 389, Municipal Act.)

Return of evidence.

530 The County Court Judge shall thereupon return the evidence so taken before him to the Prothonotary of the Court of King's Bench at Winnipeg, and after the return of the evidence, and upon reading the same, a Judge of the said Court may upon notice to such of the parties concerned as he thinks proper proceed to hear and determine the question, and if the grounds therefor appear to him to be satisfactorily established he may make an order for quashing the by-law, and he may order the costs attending the proceedings to be paid by the parties or any of them who have supported the by-law, and, if it appears that the application to quash the by-law ought to be dismissed, the Judge may so order, and in his discretion award costs, to be paid by the persons who apply to quash the by-law. (Sec. 390, Municipal Act.)

Stay of proceedings upon the by-law.

531 After an order has been made by a Judge directing an inquiry, and after a copy of the order has been left with the Clerk, all further proceedings upon the by-law, order or resolution shall be stayed until after the disposal of the application in respect of which the inquiry has been directed. But if the matter is not prosecuted to the satisfaction of the Judge he may remove the stay of proceedings. (Sec. 391, Municipal Act.)

City to be liable for acts done under illegal by-law.

532 In case a by-law, order or resolution is illegal, in whole or in part, and in case anything has been done under it which, by reason of such illegality, gives any person a right of action, no such action shall be brought until one month has elapsed after the by-law, order or resolution has been quashed or repealed, nor until one month's notice in writing, of the intention to bring the action, has been given to the City, and every such action shall be brought against the City alone, and not against any person acting under the by-law, order or resolution. (Sec. 392, Municipal Act.)

Tender of amounts.

533 In case the City tenders amounts to the plaintiff, either personally or to his solicitor of record, if such tender is pleaded and (if traversed) proven, and if no more than the amount tendered is recovered, the plaintiff shall have no costs, but costs shall be taxed to the defendant, and set off against the verdict, and the balance due to either party shall

○ provided, however, that the city may from time to time pass a by-law or by-laws for contracting a debt, by the issue and sale of debentures, for any amount not exceeding \$25,000, for the repair of any city hall, fire hall, police station, crematory or any other public building or buildings, or any one or all of them, without submitting such by law to the electors in accordance with the provisions contained in section 237 of this Act "

647 Ed. 118 Chap. 48. Sec. 77 (1907)

unless otherwise specially provided for in this Act or any amendment thereto 1907

be recovered as in ordinary cases. (Sec. 393, Municipal Act.)

BY LAWS AUTHORIZING THE CREATION OF DEBTS.

534. The Council, except as in this Act is otherwise provided, may authorize the Mayor, with the Treasurer thereof, under the seal of the City, to borrow ~~from any person or bank~~ such sum as may be required to meet the then current expenditure of the City until such time as the taxes levied therefor can be collected, and the Council shall, by by-law, regulate the amounts to be so borrowed, and the promissory note or notes, covenant or agreement to be given in security therefor, ~~and may borrow for the purposes aforesaid to an amount not exceeding the taxes levied for the previous year, if at the time of such borrowing the taxes have not been levied to meet the then current expenditures, and the Council may during the period of two years succeeding that in which such moneys are borrowed pass by-laws for renewing such promissory notes.~~ (Sec. 394, Municipal Act, as amended by Acts of 1896 and 1899.)

Council may authorize the borrowing of money in any current or previous year.

535. The Council may pass by-laws for contracting debts by borrowing money or otherwise and, if necessary, for issuing debentures, and for levying rates for the payment of such debts on the rateable property in the City, for any of the purposes following: To construct or repair, or purchase or assist in constructing or repairing or purchasing, any bridge, drain, cut-away, pier, wharf, water-works system, public road or street, or other public work or each and every public work within the jurisdiction of the Council to perform, or city halls, fire halls, crematorium or other buildings required for the uses of the City and the sites for all such halls and buildings situate within the City or in its vicinity, whether the same is to be undertaken and built by the City or otherwise. (Sec. 395, Municipal Act.)

By-laws for contracting debts.

Bridges, drains, streets, etc.

Fire halls, crematorium, etc.

In addition to the by-law
536. The City shall not incur any indebtedness except such as is payable within the municipal year in which it is incurred, unless for some of the purposes in the two last preceding sections mentioned or as otherwise specially by this Act authorized. (Sec. 396, Municipal Act.)

Nature of indebtedness that may be incurred.

537. Every by-law for raising upon the credit of the City any money not required for its ordinary expenditure and not payable within the same municipal year, except for a work payable entirely by local assessment and local improvements as hereinafter provided, shall, before the final passing thereof, receive the assent of the electors of the City

By-laws for borrowing money must receive the assent of the electors.

two

in the manner provided for in this Act, and a by-law for said purpose shall not be considered to have received the assent of the said electors unless at least three-tenths in number of a. equal y qualified resident electors who are entitled to vote, as well as two-thirds of all legally qualified electors actually voting on the by-law, have voted in favor of the by-law. (Sec. 397, Municipal Act.)

537a. See Opposite on 8

By-laws for
contracting
debts.

538. The Council may, under the formalities required by law, pass by-laws for contracting debts, by borrowing money or otherwise, and for levying rates for payment of such debts on the rateable property of the City for any purpose within the jurisdiction of the Council as given by this Act, but no such by-law shall be valid which is not in accordance with the following restrictions and provisions, except in so far as is otherwise provided in the next following two sections of this Act

Form of

When to take
effect.

(a) The by-law shall name a day in the financial year in which the same is passed when the by-law is to take effect; and if no day is named, shall take effect on the day of the passing thereof,

Yearly rate

(b) The by-law shall settle a certain specific sum to be raised annually, for the payment of interest during the currency of the debentures, also a certain specific sum to be raised annually for the payment of the debt, such sum to be such as will be sufficient, with the estimated interest on the investments thereof to discharge the debt when payable,

Interest on
investments,
how settled.

(c) In settling the sum to be raised annually for the payment of the debt, the rate of interest on investments shall not be estimated at more than five per cent. per annum, to be capitalized yearly;

Property on
which rate to
be levied.

(d) The by-law shall provide that such annual sum shall be raised and levied in each year by a special rate, sufficient therefor, on all the rateable property in the City,

By-law must
provide that
debentures
payable in not
exceeding 50
years.

(e) The by-law may authorize the issue of debentures payable at such time or times as such by-law may recite, not exceeding fifty years, and may or may not provide for a specific sum to be raised annually for the payment of the debt. (Sec. 398, Municipal Act.), c. 7

Restrictions—

539. The by-laws shall recite

Amount and
object of debt.

(a) The amount of the debt which the new by-law is intended to create and, in brief and general terms, the object for which it is to be created;

Amount to be
raised
annually

(b) The total amount required by this Act to be raised annually by special rate for paying the new debt and interest,

507a In the case of any bylaw submitted for the purposes or
any & then mentioned in Section 53 of The Public Lands Act Cap 141 R.S. 1898
nor the same shall be considered to have received the assent of the
said Board of 3/4th of the duly qualified electors actually voting on said
bylaw have voted in favor of the same.

402 Ed in Cap 57 Sec 1 (1905)

(c) The amount of the whole rateable property of the City according to the last revised assessment roll,

The value of
(the rateable
property)

(d) The amount of the existing debenture debt of the City and how much, if any, of the principal or interest is in arrear. (Sec. 399, Municipal Act.)

Amount of
existing
debenture
debt

540. The two next preceding sections shall not apply to by-laws for a work payable by local assessment. (Sec. 400, Municipal Act.)

Two next pre-
ceding sec-
tions not to
apply to local
assessments
only.

541. In any case of passing a by-law for contracting a debt by borrowing money for any purpose, the Council may, in its discretion, make the principal of the debt repayable by annual instalments during the currency of the period within which the debt is to be discharged, such instalments to be of such amounts that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period, and may cause debentures of the City for the amounts and payable at the times corresponding with such instalments, together with interest, annually or semi-annually as may be set forth and provided for by the by-law, and such by-law shall also set forth a certain sum, to be raised in each year during the currency of the debt, which amount, sum shall be sufficient to discharge the several instalments of principal and interest, accruing due on such debt, as the said instalments and interest become respectively payable according to the terms of the by-law, and in cases within this section it shall not be necessary that any provision be made for a sinking fund. (Sec. 401 and 402, Municipal Act.)

A certain sum
may be made
payable, paid
provisionally by
instalments.

When the by-
law shall be
made.

542. Where part only of a sum of money provided for by a by-law has been raised, the Council may repeal the by-law as to any part of the residue and as to a proportionate part of the special rate imposed therefor, provided the repealing by-law recites the facts on which it is founded, and is appointed to take effect on the 31st day of December in the year of its passing, and does not affect any rates due, or penalties incurred, before that day, and provided the by-law is first approved by the Lieutenant-Governor in Council. (Sec. 406, Municipal Act.)

Where part
only of money
provided by law
has been raised,
the Council may
repeal as to
proportion.

Proviso.

543. After a debt has been contracted, the Council shall not, until the debt and interest have been paid, repeal the by-law under which the debt was contracted, or any by-law for paying the debt or the interest thereon, or for providing therefor a rate, or additional rate, or appropriating thereto the surplus income of any work or of any stock or interest

A debt shall
not be repaid
until certain
by-law is
repealed.

Not altered. therein, or money from any other source; and the Council shall not alter a by-law, providing any such rate, so as to diminish the amount to be levied under the by-law, except in cases herein authorized, and shall not apply to any other purpose any money of the City which, not having been previously otherwise appropriated by any by-law or resolution, has been directed to be applied to such payment. (Sec. 407, Municipal Act.)

Exception.

No officer to neglect to carry on by-law for payment under color of illegal by-law.

544. No officer of the City shall neglect or refuse to carry into effect a by-law for paying a debt under color of a by-law, or attempt to repeal such first mentioned by-law, or to alter the same so as to diminish the amount to be levied under it. (Sec. 410, Municipal Act.)

Council authorized to pass by-laws for levying debts, rates to pay off or discharging debentures.

545. The Council shall have full power to pass by-laws authorizing the giving, issuing and disposing of bonds, debentures or other securities for the purpose of raising money, by way of loan, in order to take up or pay off bonds, debentures or securities formerly issued by the City under a by-law or by laws asserted to be the elections, or under a by-law or by laws legalized by the Legislature of Manitoba, or for the purpose of exchanging the same for bonds, debentures or securities formerly so issued by the Council, as the Council may decide, or such by-laws may authorize the giving, issuing or disposing of such bonds, debentures or other securities at such time or times and in such amounts as the Council may decide, or such by-laws may provide for the levying of a rate for payment of such loan and interest thereon, on the rateable property in the City, and such by-laws shall not require the assent of the electors but shall in all other respects conform to the provisions of this Act, and debentures issued under any of such by-laws shall bear interest at such rate, and shall be payable at such time or times, not exceeding fifty years, as the said Council may decide, and shall together with the interest thereon, be a valid and binding charge upon the City.

Such by-laws may regulate disposition of new debentures.

Such by-laws need not be submitted to electors.

Interest rate on said debentures.

YEARLY RATES.

Estimates to be made annually.

546. The Council shall every year make estimates of all sums which may be required for lawful purposes of the City for the year in which such sums are required to be levied, making due allowance for the cost of collection and of the abatement and losses which may occur in the collection of the tax. (Sec. 411, Municipal Act.)

By laws for raising money by rates.

547. The Council shall, each year, by by-law or by laws, levy a rate or rates of so much in the dollar upon the assessed value of the property in the City as the Council

deems sufficient to raise the sums required on such estimates (Sec. 412, Municipal Act.)

548. If the amount collected fall short of the sums required the Council may direct the deficiency to be made up from any unappropriated fund belonging to the City (Sec. 413, Municipal Act.) If the amount collected fall short.

549. If there be no unappropriated fund, the deficiency may be equally deducted from the sums estimated as required, or from any one or more of them. (Sec. 414, Municipal Act.) Est. charges may be reduced

550. If the sums collected exceed the estimates, the balance shall form part of the general fund of the City and be at the disposal of the Council, unless or otherwise specially appropriated, but if any portion of the amount in excess have been collected on account of a special tax upon any particular locality, the amount in excess collected on account of such special tax shall be appropriated to the special local object. (Sec. 415, Municipal Act.) When sums collected exceed estimates appropriation of balance

551. The rate to be levied in any year, in addition to what is required of interest on outstanding debentures and the amount required for a sinking fund therefor, and for school purposes and for the maintenance of the police force, and the amount required by the Public Parks Board, shall not exceed the sum of one cent on the dollar. (Sec. 416, Municipal Act.) Excess of rate

552. The rate shall be calculated at so much in the dollar upon the actual value of all the real property liable to assessment in the City after ascertaining the amount to be received from the business tax assessment. (Sec. 417, Municipal Act.) How rates to be calculated

553. Every special assessment made, and every special rate imposed and levied under any of the provisions of this Act, and all sewer rates and charges for work or services done by the corporation on behalf of the owners of real estate under the provisions of any valid by-law of the Council, shall form a lien or charge upon the real estate upon or in respect of which the same shall have been assessed and rated or charged, and shall be collected in the same manner and with like remedies as ordinary taxes upon real estate are collectable under the provisions of this Act. (Sec. 418, Municipal Act.) Special rates a charge on property

FINANCE.

ACCOUNTS AND INVESTMENTS.

Two separate
accounts to be
kept.

or of the
special
rates.

of the sinking
fund and of
the principal

554. The Council shall keep in its books two separate accounts, one for the special rate, and one for the sinking fund or for instalments of principal of every debt, to be both distinguished from all other accounts in the books by some prefix designating the purpose for which the debt was contracted, and shall keep the said accounts, with any others that are necessary, so as to exhibit, at all times, the state of every debt and the amount of moneys raised, obtained and appropriated for payment thereof. (Sec. 420, Municipal Act.)

When surplus
may be
applied on
next year's
interest and on
sinking fund.

555. If after paying the interest of a debt and appropriating the necessary sum to the sinking fund of such debt, or in payment of any instalment of principal for any financial year, there be a surplus at the credit of the special rate account of such debt, such surplus shall so remain, and may be applied, if necessary towards the next year's interest, but, if such surplus exceed the amount of the next year's interest, the excess shall be carried to the credit of the sinking fund account or applied in payment of the principal of such debt. (Sec. 421, Municipal Act.)

Application of
moneys with
consent of
Lieutenant-
Governor or
Council.

556. The Lieutenant Governor-in-Council may, by order, direct that such part of the produce of the special rate levied, and at the credit of the sinking fund account or of the special rate account as aforesaid, instead of being so invested as hereinafter provided, shall from time to time as the same accrues be applied to the payment or redemption, at such value as the Council can agree for, of any part of such debt or of any of the debentures representing or constituting such debt or any part of it, though not then payable, to be selected as provided in such order, and the Council shall thereupon apply and continue to apply such part of the produce of the special rate at the credit of the sinking fund, or special rate accounts, as directed by such order. (Sec. 422, Municipal Act.)

Moneys in
hands of sinking
fund trustees.

557. The sinking fund trustees may lend any of the moneys in their hands upon the promissory note or notes of the City in the same manner as any chartered bank may make the same loans.

Sinking fund
may be used
in purchasing
municipal
debentures.

558. It shall not be necessary that any local improvement or other debentures of the City referred to in the last preceding section shall have been disposed of by the Coun-

oil, but the Council may apply the sinking fund to an amount equal to the amount of such debentures for the purposes to which the proceeds of such debentures may be properly applicable and shall hold the debentures as an investment on account of the sinking fund and deal with the same accordingly. (Sec. 424, Municipal Act.)

559. The Council may direct, by by-law, that any surplus moneys in the hands of the Treasurer, and not specially appropriated to any other purpose, sha. be credited to the sinking fund account of any debenture debt of the City, and the Council may invest such sinking fund account as provided in the last proceeding section. (Sec. 425, Municipal Act.)

Investment of sinking fund.

560. The Council may appropriate to the payment of any debt the surplus income derived from any public or corporation work, or from any share or interest therein, after paying the annual expenses thereof, or any unappropriated money in the treasury, or any money raised by additional rate, and any money so appropriated shall be carried to the credit of the sinking fund of the debt or applied in payment of any instalment accruing due. (Sec. 426, Municipal Act.)

Council may apply other funds towards such debts.

561. No member of the Council shall take part in, or in any way be a party to, the investment of such moneys as are mentioned in this Act, by or on behalf of the Council, otherwise than in the manner authorized by this Act or by any other law in that behalf made and provided, and such person so doing shall be held personally liable for any loss sustained by the City. (Sec. 429, Municipal Act.)

No member of Council to be party to illegal investment.

Liability for loss.

562. The Council shall, on or before the thirty-first day of January in each year, under a penalty of twenty dollars in case of default, to be paid to the Provincial Treasurer, transmitt to the Lieutenant-Governor, through the Municipal Commissioner, an account of the several debts of the City, as they stood on the thirty-first day of December preceding, specifying in regard to every debt of which a balance remained due at that day —

Council to make a yearly report of the corporation debts to the Lieutenant-Governor in Council.

(a) The original amount of the debt,

What such report shall show.

(b) The date when it was contracted;

(c) The days fixed for its payment;

(d) The interest to be paid therefor;

(e) The rate provided for the redemption of the debt and interest;

(f) The proceeds of such rate for the year ending on such thirty-first day of December,

(g) The portion (if any) of the debt redeemed or paid during such year;

(h) The amount of interest (if any) unpaid on such last mentioned day, and

(i) The balance still due of the principal of the debt, such account shall be certified to by the City Comptroller;

(j) Such other information as may be required by the Municipal Commissioner upon schedules furnished for that purpose. (Sec. 430, Municipal Act.)

COMMISSION OF INQUIRY INTO FINANCES.

When a Commission of Inquiry may be held.

563. In case one-third of the members of the Council, or one hundred duly qualified electors of the City, petition for a commission to issue under the Great Seal to inquire into the financial affairs of the City and things connected therewith, and if sufficient cause is shown, the Lieutenant-Governor-in-Council may issue a commission accordingly, and the commissioner or commissioners, or such one or more of them as the commission empowers to act, shall have the same power to summon witnesses, enforce their attendance, and compel them to produce documents and to give evidence, as any Court in the Province of Manitoba has in civil cases. (Sec. 431, Municipal Act.)

Expenses of such commission.

564. The expenses to be allowed for executing the commission shall be determined and certified by the Provincial Treasurer, and shall thenceforth become a debt due to the commissioner or commissioners by the City, and shall be payable within three months after demand thereof, made by the commissioners or by any one of the commissioners, at the office of the Treasurer of the City. (Sec. 432, Municipal Act.)

DEBENTURES AND OTHER INSTRUMENTS.

Debentures, bonds, etc., how to be executed.

565. All debentures, and other instruments, duly authorized to be executed on behalf of the City shall, unless otherwise specially authorized or provided, be sealed with the seal of the City, and be signed by the Mayor or by some other person authorized by by-law to sign the same, otherwise the same shall not be valid, and it shall be the duty of the Treasurer of the City to see that

the money collected under the by-law is properly applied to the payment of the interest and principal of the debentures. (Sec 433, Municipal Act.)

566. Debentures issued by the City under the authority of any by-law under this Act, or any other Act affecting the City, shall be valid notwithstanding upon the City notwithstanding any insufficiency in form, or otherwise of such by-law, or in the authority of the City in respect thereof, provided that the by-law has received the assent of the electors where necessary, and no successful application has been made to quash the same within the time limited by law. (Sec. 434, Municipal Act.)

Debentures valid notwithstanding defect in form
Provided.

567. Debentures to be issued by the Council may contain a provision, in the following words:—

Made of transfer may be described.

“This debenture, or any interest therein, shall not, after a certificate of ownership has been indorsed thereon by the Treasurer of the City of Winnipeg, be transferable, except by entry by the Treasurer in the debenture registry book of the said City.” (Sec 435, Municipal Act.)

568. The Treasurer shall open and keep a debenture registry book, in which he shall enter a copy of any certificate which he may give of the ownership of any debenture, and also every subsequent transfer of such debenture, such entry shall not be made except upon the written authority of the person last entered in such book as the owner of such debenture, or of his executors or administrators, or of his or their lawful attorney, which authority shall be retained by the Treasurer and duly filed. (Sec 436, Municipal Act.)

Debenture registry book

569. After the certificate of ownership has been indorsed as aforesaid, the debenture shall only be transferable by entry, by the Treasurer, in such debenture registry book, from time to time, as transfers of such debenture are authorized by the then owner thereof or his lawful attorney. (Sec 437, Municipal Act.)

Registered debentures transferable by entry etc

570. Debentures of the City may be issued to secure the repayment of the debts incurred under by-laws passed under the provisions of sections 538 and 539 of this Act. (Sec. 438, Municipal Act.)

Debentures may be issued.

571. No debentures shall be issued by the City bearing a higher rate of interest than five per cent. per annum. (Sec. 439, Municipal Act.)

Interest on debentures not to exceed 5 per cent.

FINANCIAL OFFICERS—ACCOUNTS—AUDIT

**Appointment
of Comptroller**

572 The Council shall appoint a Comptroller who shall hold office during the pleasure of the Council. Before entering upon his duties he shall take the oath or affirmation required by law to perform the duties of his office and to obey the by-laws of the City, and shall give security, in the penal sum of ten thousand dollars, for the faithful performance of his duties which bond shall be deposited with the Clerk for safe keeping, and his powers and duties shall be the following:—

**Duties of
Comptroller**

(a) The Comptroller shall be the general accountant of the City, and shall receive and preserve in his office all City account books and all vouchers, documents and papers relating to the accounts and contracts of the City, its revenue, sales and local affairs, whether between the City and any officer thereof or between the City and any person or body corporate, except when such books, vouchers or documents are by law placed in the custody of some other officer or person.

Audit.

(b) It shall be the duty of the Comptroller to examine and audit all accounts, claims and demands in favor of or against the City for the payment of which any money may be drawn out of the City treasury, and after having examined the same with all accompanying vouchers and documents to certify the nature or true state of such claims or demands. It shall be his duty to keep suitable and proper books in which the accounts of the City shall be kept by double entry. In the account between the City and the Treasurer he shall charge said Treasurer with all moneys received into the City treasury, specifying the sources from which said moneys have been derived, and shall credit him with all warrants drawn on the City treasury. In the accounts between the City and all officers, persons or bodies corporate, who may have the conduct of any money for the City, he shall charge each with the amount which may be in his hands for collection, or with blank licenses or certificates issued to him and shall credit him with all moneys which he shall pay into the City treasury. He shall keep in said account books a detailed and specific statement of the condition of the City revenue, entering every fund which by law or by by-law is made a separate fund under its appropriate head, crediting each fund with all receipts into the treasury on account thereof, and charging it with all appropriations thereof and all warrants drawn thereon. He shall keep a register of all warrants drawn on the treasury, specifying the date, number and amount of each and the name of the

**Comptroller's
books and
account**

person to whom, and out of what fund, payable. He shall keep an account of all debts due to or from the City, and a bill book in which he shall enter particulars of all bonds, notes, bills and other obligations given by or payable to the City, with the names of the persons by or to whom payable and the principal and interest which the same draw respectively and all particulars of accounts, notes, bonds or claims against or in favor of the City for the purchase of lands, buildings or other property or of the money applicable to the following objects, to wit: General, expenses interest, water works, lighting the city, fire department, police, street fund, sanitary sewerage department and sinking fund, and any other fund department or interest of the City not falling under either of the foregoing heads shall be kept under a separate and appropriate account:

(c) The Comptroller shall not draw a warrant on the Treasurer in favor of any person indebted to the City, or the assignee of such person, except for the balance which may appear to be due such person over and above the debt due the City, nor in favor of any officer who is in arrears or in default to the City.

Warrants to be drawn for balance due creditor only

(d) The Comptroller shall draw his warrant on the Treasurer, specifying the fund from which payment is to be made, for any money found to be due and owing by the City, the expenditure of which has been duly authorized. Provided that no warrant shall be issued unless there be money actually to the credit of the specific fund.

Funds to be designated in warrants.

(e) Whenever the revenue belonging to any prescribed fund of the City shall have become exhausted, it shall be the duty of the Comptroller to notify the Council of the fact, and no appropriation from the said fund shall be made by the Council until moneys are voted to the credit of the said fund to meet such appropriation.

Notification of exhausted fund to be sent to Council

(f) The Comptroller whenever required shall furnish the Mayor or Council with copies or extracts of any books, accounts, records, vouchers or documents in his office, and any information in relation to anything pertaining to his office or to the revenue of the City: and he shall at all times permit the Mayor or other member of the Council, or any other City officer interested, to examine any book, paper or document in his office.

Statements to be rendered by Comptroller

(g) The Comptroller shall exercise a general supervision over the collection and return into the City treasury of the revenue of the City of every description, and over all other fiscal affairs of the City, over all claims which may or might become the subject of litigation, and any other proceedings in which the interests of the City are involved or

Comptroller to exercise general supervision over fiscal affairs

To prescribe and inspect books kept by City officials

in any manner concerned, he shall prescribe the form and manner in which all account books of the several city officers shall be kept, and he shall examine the books of the said officers as often as he shall think proper, and shall see that they are properly and neatly kept and said books shall be at all times subject to the inspection of the Comptroller,

Fiscal officers of City to submit monthly reports to Comptroller

(h) The Comptroller may require all City officers in receipt of the City's money to submit monthly reports to him of the business of their respective offices in detail, and shall lay the same before the Council at its first regular meeting thereafter and if any such officer neglects or refuses to make adjustment of his accounts whenever so required by the Comptroller, or to pay over such money so received, it shall be the duty of the Comptroller to issue a notice in writing to such officer and his sureties, if any, to make a settlement of his accounts with said Comptroller and to pay over the balance of money found to be due and in his hands belonging to the City, and, in case of refusal or neglect of such officer to adjust his accounts or to pay over said balance to the Treasurer, it shall be the duty of the Comptroller to report the delinquency of such officer to the Council.

Bonds to be signed by Mayor, Comptroller and Treasurer
Records of contracts, etc. to be kept by Comptroller

(i) The Comptroller shall sign with the Mayor and Treasurer, all bonds and debentures issued by the City.

(j) The Comptroller shall keep in his office a correct account of all public improvements ordered by the Council and under contract, copies of which shall be furnished him by the several departments authorized to make contracts on behalf of the City, and book shall show the estimate of such improvements, how much has been paid on the same, the dates when paid, the date when any separate improvement is completed, the name of the contractor and the description of such contract;

Annual statements for publication

(k) The Comptroller shall, in the month of May in each year, make out an annual statement for publication, which shall be published in pamphlet form, and also a monthly statement to the Council at the first regular meeting of the Council in each month, giving a full and detailed statement of all receipts and expenditures of money during such time respectively, such statements shall also detail the liabilities of the City, the condition of all appropriations and contracts unfulfilled, the balance of money in the treasury, and the sums due the City and outstanding the names of all persons who have become defaulters to the City and the respective amounts in their hands unaccounted for and all other things necessary to exhibit the true financial condition of the City.

Monthly statement for Council to be rendered by Comptroller

(l) The Comptroller shall, on or before the second Monday in June in each year, submit to the Council a report of the

or inevitably have and exercise all the powers given or subject to
the duties and obligations of the Comptroller -

Drawn on Exp but not 5 (1904)

estimates necessary, as near as may be, to defray the expenses of the City government during the current fiscal year. He shall in such report class the different objects of the proposed expenditures, giving as nearly as may be the amount required. He shall make a statement of all contracts made or directed by the Council and not performed or completed, and upon which any money remains unpaid, with the amount to be paid on each, and for this purpose he shall require the City Engineer and other officers and heads of departments to furnish such information as he needs to enable him to fulfil the duties imposed upon him by this section. He shall, also in such report show the aggregate income of the preceding fiscal year from all sources, the amounts of all liabilities outstanding, and of bonds, interest and any other kind of City debt payable during the year, and when the same respectively fall due so that the Council may fully understand the money expenses and demands of the City for the ensuing year. (Sec. 542, Municipal Act.)

Comptroller
to make a list of the
estimated
expenditures
before the
Council in
June

573. In case of a vacancy in the office of Comptroller, or of his absence from the city or inability from sickness or other cause to perform his duties, the Council shall appoint an acting Comptroller who shall, during such vacancy or absence, audit and settle all accounts or claims on the City, and shall sign, in place of the Comptroller, all warrants on the Treasurer. (Sec. 543, Municipal Act.)

Appointment
of an acting
Comptroller
in case of
absence or
sickness.

574. All moneys belonging to the City received by an officer or agent thereof, either from collections, loans, fees, fines and penalties or otherwise, shall be deposited in the City treasury regularly once a day, and in case the provisions of this section are not complied with, it shall be the Treasurer's duty to report any delinquencies to the Mayor and Comptroller. (Sec. 544, Municipal Act.)

Receipts to be
deposited
daily

575. The Treasurer shall make duplicate receipts in all cases, one for the party paying and one for the Comptroller, which shall set out the amounts and on what account paid and credited. (Sec. 545, Municipal Act.)

Duties of
Treasurer

576. All payments on account of pay rolls of the City shall be made by the Treasurer after the same have been audited and placed in his hands therefor. All payments of salaries or wages shall be made by the Treasurer, who shall pay each person or his legal representative and take a proper receipt therefor. (Sec. 546, Municipal Act.)

Payments by
Treasurer

577. No appropriation shall be made from any revenue fund in excess of the amount standing to the credit of such

Appropriations not to be
exceeded

fund nor shall it be made for the purposes to which the money is not applicable by law (Sec 547, Municipal Act.)

Money to be paid only on warrant.

578. No money shall be paid out of the treasury except on the Comptroller's warrant and no warrant shall be issued on any appropriation unless there be an unexpended balance to the credit thereof sufficient to cover such warrant, and unless there be money in the treasury to pay it. (Sec. 548, Municipal Act.)

Accounts to be audited and registered.

579. All audited accounts, before they are audited, must be certified by the officer having knowledge of the facts, and all such accounts shall be registered in the Comptroller's office and filed and preserved as vouchers in the Comptroller's office. (Sec. 549, Municipal Act.)

Books to be open to inspection.

580. The books, accounts and vouchers of the Treasurer and all moneys remaining in the City treasury shall at all times be subject to the inspection and examination of the Comptroller, the Finance Committee or any member of the Council. (Sec. 550, Municipal Act.)

Payment of certificates.

581. On presentation of certificates of indebtedness, issued by the City Comptroller to the said Treasurer, said Treasurer shall pay the same from any unexpended moneys to the credit of the fund properly chargeable therewith, but, if said Treasurer has not sufficient funds to pay in full all such certificates, he shall, indorse on the back thereof the amount paid, countersign said certificates and re-deliver the same to the person presenting the same. Such certificates shall bear interest at the rate of four per centum per annum, from the date of the approval, and shall be redeemed in the order in which they have been issued by said Comptroller,

(a) Provided that, if any of said certificates be not presented for payment as often as once in sixty days, said interest shall terminate at the end of sixty days after the last presentation;

(b) Provided further that all payments made on account of pay-rolls shall be made by the Treasurer after the same have been certified by the Comptroller and placed in his hands therefor. (Sec. 551, Municipal Act.)

Audit of Comptroller's accounts.

582. The Council may at any time have the accounts submitted by the Comptroller audited, if thought necessary. (Sec 552, Municipal Act.)

Fiscal year.

583. The fiscal year for the City shall be the twelve months ending on the thirtieth day of April in each year. (Sec. 553, Municipal Act.)

585a Notwithstanding anything to the contrary contained in the provisions of this Charter, the council may pass by-laws fixing the assessed value of the land, in actual use and occupation, owned by any person, firm or corporation carrying on a manufacturing industry exclusively on such land, at the amount shown on the last revised assessment roll for such land for a period not exceeding twelve years, without submitting such by-law to the electors, but the buildings erected or to be erected on such land shall be assessed in such manner as assessable buildings which are not used for manufacturing purposes are assessed under this Act. Machinery used in such buildings for manufacturing purposes shall not be assessed. If, before the expiration of said period of limited assessment, the person, firm or corporation ceases to carry on a manufacturing industry on such land, then the limitation or exemption shall cease. All by-laws exempting from taxation in whole or in part for a longer period, or on terms more favorable to the proprietors of such manufacturing industry, shall be submitted to a vote of the rate payers. The council may embody, in any by-law granting an exemption or limitation in assessment, such further conditions respecting such industry as it may deem expedient or necessary as a condition of such exemption and may enter into any contract respecting same.

Ord. in the City of Dec 79 (1907)

584 The present Comptroller of the City shall be continued in office and be the Comptroller until removed. (Sec. 564, Municipal Act.) Present Comptroller continued in office.

AID TO INDUSTRIES, ETC.

585 The Council may pass by-laws for exempting, in whole or in part, from taxation any industry carried on in the City, but no such by-law shall be valid unless and until it has received the assent of the electors of the City in conformity with the provisions of this Act in respect of by-laws creating debts of the City, and the City upon granting such exemption or any aid or exemption under the provisions of this Act or any or either of them, shall take and receive security for the compliance with the terms and conditions upon which such aid or exemption was given. (Sec. 440-2, Municipal Act.) Exemption. By-laws to be voted on.

Notes in a fly leaf
586 The Council may pass by-laws to exempt from taxation any building used exclusively as a charitable institution and the land in connection therewith, not exceeding two acres, and also the property of the Young Men's Christian Association to the extent of the value of the part or parts of said not mentioned property as shall be used for religious or educational purposes. (Amendments, 1894 and 1900.) Council may pass by-laws exempting the Y.M.C.A. from taxation.

OFFICERS FOR TAKING OATHS AND AFFIRMATIONS.

587 Any oath or affirmation or declaration, required by the provisions of this Act, may be made before any Justice of the Peace, or any person authorized by "The Oaths Act" to take affidavits under any Statute of the Province, and any person before whom such oath or affirmation or declaration may be made is required, whenever he is called upon so to do, to administer such oath or take such affirmation and deliver a certificate thereof to the party making the same without fee. (Sec. 446, Municipal Act.) Who may receive oath. No fee chargeable.

LANDS OUTSIDE OF THE CITY LIMITS.

588. All lands conveyed to the City outside of the limits thereof as defined by law are hereby vested in the City according to the estate conveyed, with power to the Council to dispose of the same whenever desired or deemed necessary. (Sec. 448, Municipal Act.) Lands outside City.

SAVING CLAUSES.

589. No act connected with the affairs of the City, performed by the Council, its officers or any other person, shall Defects in form.

be null, or void on account of error or insufficiency in the designation of the City or of such act, or on account of insufficiency in, or the omission of, the declaration of the quality of such officers or person, provided no injustice result therefrom. (Sec. 450, Municipal Act.)

Formal defects and omissions.

590 No proceeding, act, matter or thing, done or purporting to be done under this Act, shall be held invalid for any formal defect or omission. (Sec. 451, Municipal Act.)

Right of incorporation.

591 Nothing in this Act contained shall affect, or conflict or interfere with, the rights, powers and privileges of any water works, electric or gas light company which may have been conferred upon it by its respective Acts of incorporation and amendments thereof or by letters patent of incorporation or so far as such rights, powers and privileges have been actually acted upon and carried into effect before the coming into force of this Act. (Sec. 452 Municipal Act.)

Notice to be given.

592 Unless herein specially directed, it shall not be necessary to publish notices or advertisements required or allowed by this Act in *The Manitoba Gazette*. (Sec. 453, Municipal Act.)

GAS AND ELECTRIC LIGHT WORKS.

Gas works by law to be provided

City empowered to construct gas works.

593. The City shall have all the powers necessary to enable it to construct gas works, with all the appliances for the necessary manufacture, supply, distribution and sale of gas to all persons, firms or corporations in the City, for the purposes of lighting, heating and all other purposes for which gas is capable of being used, whether the same is known at the present time or may be hereafter ascertained, and also to purchase and, after purchase, to add to the plant and works of any gas company, and to improve, maintain and enlarge any of said works from time to time. (Sec. 28, Cap. 32, 58 and 59 Vic.)

and for the sale and export of gas by products or combinations thereof

Appointment of engineers, etc.

594. The City shall have power to employ and appoint engineers, surveyors, officers, and other persons, for the purpose of constructing, improving and adding to any gas works, and to rent or purchase such lands, works, buildings, privileges and yards as in its opinion may be necessary to enable it to carry out the purpose of this Act. (Sec. 29, Cap. 32, 58 and 59 Vic.)

Operation of works.

595. The City may operate such works and manufacture gas for the purposes aforesaid, and may make contracts for coal, petroleum and any materials necessary for such manufacture. (Sec. 30, Cap. 32, 58 and 59 Vic.)

24. Whereas the City of Winnipeg has asked that its by-law No. 3831 should be, for further safety and security, ratified and confirmed and made binding upon the corporation, it is therefore enacted as follows:

(a) The by-law of the City of Winnipeg, No. 3831, a copy of which is here set forth in schedule A to this Act, is hereby ratified and confirmed and it is declared to be a by-law lawfully passed and enacted by and binding upon the City of Winnipeg, and each and all debentures and coupons for interest hereafter executed by the City of Winnipeg, and issued under and by virtue of the said by-law shall create a lien in the hands of the holder thereof, binding upon the said City of Winnipeg, according to the tenor and effect of each thereof;

(b) The City of Winnipeg is hereby authorized and empowered to enter upon any street and highway within its limits and from time to time thereon and thereat to inaugurate, build and construct a system of gas works, or such part of a system of gas works as the City may from time to time hereafter desire, and for this purpose the City may from time to time make such excavations and constructions and put down erections and alterations in and upon any such street and highway as may be necessary for the building and completion of the said works or in connection therewith.

(c) The City of Winnipeg may purchase the whole or any portion of the system of gas works of any company or concern as may be agreed upon, and may use the moneys to be borrowed upon the debentures mentioned in this section for the purpose of the building or construction of the said gas works system or any part thereof and for the purpose of purchasing the gas works system of any gas company or concern or a portion thereof or part of each thereof, provided that before any such purchase or acquisition is made by the council for such purchase must be submitted to and received the assent of the duly qualified electors as in the case of money by-laws under said Charter;

(d) The City of Winnipeg may at any time hereafter commence the building or construction of the said gas works system and may proceed with the said construction and completion thereof, and may at any time purchase the said gas works system or any portion thereof above mentioned.

596. The City may break up, dig and trench so much and ^{Trenches.} so many of the public streets as are necessary for laying pipes, mains and other appliances for conducting gas from the works to the consumers thereof or for taking up, altering and renewing all such pipes or appliances as to the City it may seem expedient to do. (Sec. 31, Cap. 32, 58 and 59 Vie.)

597. If in any case it shall seem more convenient for the City to lay its pipes under or through private property, ^{Laying pipes under private property.} instead of under and through public streets, the City is hereby authorized and empowered to cut and dig up if necessary, and to lay down its mains and pipes through, under or upon lands and premises of any person which may be situated between the works of the City and the property of the consumers of such gas, making in such cases compensation for any injury thereby done, and restoring all such lands, so far as may be, to their original condition without unnecessary delay, and doing as little damage as possible in the execution of the powers hereby granted to the City. (Sec. 32, Cap. 32, 58 and 59 Vie.) ^{Compensation made.}

598. The City shall be and is hereby required to keep or ^{Accounts.} cause to be kept separate books and accounts of the receipts and disbursements for and on account of such gas works distinct from the books and accounts relating to the other property, funds and assets of the City. (Sec. 33, Cap. 32, 58 and 59 Vie.)

599. The City shall regulate the distribution, supply and ^{Regulation of distribution.} use of gas in all places and for all purposes where the same may be required from time to time, shall fix the prices for the use thereof and times of payment a discount for prompt payment and for payment in advance, and the penalties for allowing payments to fall in arrears. (Sec. 34, Cap. 32, 58 and 59 Vie.)

600. The City is also empowered to place metres upon ^{Metres.} any service or other pipe or connection within or without any house or building, as it may deem expedient, for the purpose of measuring such gas, and may remove or alter the position of any such metre or of any pipe or connection, and to fix the price to be paid for the use of any such metre or of any pipe or connection, and the times and terms of payment. (Sec. 35, Cap. 32, 58 and 59 Vie.)

601. All gas rents and rates, when collected, shall be paid ^{Receipts.} over to the Treasurer of the City and be by him placed to the credit of the gas works account. (Sec. 36, Cap. 32, 58 and 59 Vie.)

General conduct of works.

602 The City shall have power from time to time to make and amend and change and to enforce all necessary by-laws, rules and regulations for the general maintenance or management or conduct of said gas works, the officers and other persons employed by the City and for the collection of gas rents and rates and moneys due or becoming due for the supply of gas, and to enforce payment of any such rates or rents or prices by shutting off the supply of gas or by suit at law before any Court of competent jurisdiction, or by distress and sale of the goods and chattels of the owner or occupant of the premises using such gas or of any goods and chattels in his possession, wherever the same shall be found within the City, or of any goods and chattels in his possession of any occupant of such premises. Such distress and sale may be conducted in the same manner as sales are now conducted for arrears of city taxes in the City chargeable shall be those payable to bailiffs under "The County Courts Act". For the purposes of this Act all gas rents and rates and moneys due to the said City for the supply of gas shall be treated in every way as if the same were taxes owed under the provisions of this Act (Sec. 37, Cap. 32, 58 and 59 Vic.)

Motres, etc., not attachable for rent.

603 Neither the service nor connecting pipes of the City nor any metres, lustres, lamps, gas fittings or any other property of any kind whatsoever of the City shall be subject to or liable for rent or liable to be seized or attached in any way by the possessor or owner of the premises wherein the same may be, or in any way whatsoever liable to any person for a debt of the person or for whose use or for the use of whose house or building any of said appliances may be supplied by the City, notwithstanding the actual or apparent possession thereof by such person. (Sec. 38, Cap. 32, 58 and 59 Vic.)

Term of office of employees.

604 All officials and other persons employed by the City in the construction operation or management of said gas works, or in the collection of gas rents and rates, shall hold their offices at the pleasure of the City or as the Council shall determine by by-law or resolution in that behalf, and shall give such security as the City shall from time to time require. (Sec. 39, Cap. 32, 58 and 59 Vic.)

Penalties.

605 If any person or persons shall lay or cause to be laid any pipe or man to communicate with any pipe or main of the City gas works, or in any way obtain or use any gas therefrom, without the consent of the City he or they shall forfeit and pay to the City for gas works purposes the sum of fifty dollars in addition to the estimated value

of said gas so obtained, and in addition also the sum of five dollars per day for each day during which such communications remain, and such sum, together with costs of suit in that behalf, may be recovered by civil action in any Court of law in the Province having jurisdiction. In all cases, where a vacant space intervenes between the line of the street and the wall of any building into which gas is to be taken, the City may lay the service pipes across such vacant space and charge the cost thereof to the owner of such building and collect the same in advance or upon such terms as may be provided by bylaw of the Council or by agreement of parties. (Sec. 40, Cap. 32, 58 and 59 Vic.)

606. All service and other pipes, whether within or without buildings, together with all branches, couplings and apparatus placed thereon or therein by the City, shall be under its control. (Sec. 41, Cap. 32, 58 and 59 Vic.)

All service pipes, etc. to be under control of City

607. All parties supplied with gas by the City may be required to place and use such style of burners and other appliances for the consumption and use of such gas as may be approved of by the City. (Sec. 42, Cap. 32, 58 and 59 Vic.)

Burners.

608. The City shall not be liable for damages caused by the breaking of any service pipe or other appliance, or for any scuttling off of gas by reason of accident to the works or pipes or other appliances, or by reason of it being considered necessary to repair any of same. (Sec. 43, Cap. 32, 58 and 59 Vic.)

Damages.

609. It shall be lawful for the officers of the City and every person authorized by them for that purpose to have free access at proper hours of the day to all parts of every building in which gas is delivered or consumed for the purpose of erecting gas metres, making repairs or of inspection or altering any pipes or other appliances and for the purpose of removing any or all of the same. (Sec. 44, Cap. 32, 58 and 59 Vic.)

Access by officials to buildings

610. The City may sell or convey any lands or other property, real and personal, purchased for said gas works if the same shall cease to be required or when the City shall deem unnecessary therefor either for cash or credit or partly cash and partly credit, with power to take a mortgage or mortgages to secure payment of the purchase money, the proceeds arising from any such sale to be added to and form part of the funds for the construction of gas works and the

Power to sell land not required for works.

same shall be expended and paid out in like manner as the proceeds of gas works debentures under the provisions of this Act. (Sec. 45, Cap. 32, 58 and 59 Vic.)

City to have
exclusive con-
trol of lands
and works

611 The City shall have full, entire and exclusive possession, control and management of all lands and gas works, pipes, appurtenances and all things appertaining thereto, and shall and may prosecute and defend any action or actions, suit or suits or process at law or in equity, against any person or persons or corporation for money due for the use of gas, for the breach of any contract, express or implied, touching the execution or management of the works or the distribution of the gas or of any promise or contract made to or with the City, and also for any injury, damage, trespass, nuisance or other wrong or accident committed or suffered to the said lands, works, pipes or appurtenances or other things of any kind or any accessories belonging to or connected with any part of the said gas works, or for any improper use or waste of the gas. (Sec. 46, Cap. 32, 58 and 59 Vic.)

Borrowing
powers.

612 For the purpose of constructing said gas works and laying said pipes and making the necessary connections and paying the interest on the debentures hereinafter mentioned during the progress of construction of the said works and expenses attendant thereon, or for the purpose of meeting a payment on any other matter relating as herein provided by this Act the City shall have power to pass a by-law or by-laws for the issue of debentures of the said City to be called gas works debentures, and to issue said debentures for a sum of money not exceeding ~~\$500,000~~ of lawful money of Canada in sums of not less than \$100,000 each, as to the City seems expedient, which debentures shall be made payable in manner and at the times following that is to say: Within a period not exceeding fifty (50) years from the dates of the respective issues thereof. Said debentures shall bear interest at the rate of not more than five per centum per annum, which shall be payable not oftener than half yearly. The said debentures shall be signed by the Mayor, Treasurer and Comptroller of the City, for two or more being or by such other officers as may be prescribed by by-law, and may be made payable either in sterling or currency in this Province, or in Great Britain or elsewhere, as to the Council shall in any case seem expedient or necessary, and the Council, and their successors, shall for the purpose of providing a sinking fund for the payment of the said debentures, as aforesaid, and the interest on the same raise annually from the completion of the said works, or at the expiration of three years from the date of the first issue of said debentures,

one million dollars not to be repaid in 1912

such sum or sums as may be necessary to pay the interest on a sinking fund to meet the whole of such debentures as fall at the same time, becoming due respectively, and shall lay a rate for that purpose to be settled, imposed and levied in each and every year to pay said principal and interest on such debentures over and above such revenues as shall from year to year be ascertained as a surplus over and above the cost of operating and repairing said works. Provided such by-laws shall require the assent of the duly qualified electors under the provisions of this Act respecting by-laws for raising moneys not payable or repayable within the same municipal year. (Sec. 48, Cap. 32, 58 and 59 Vic.)

613. The proceeds of such debentures shall be paid into some chartered bank, and be kept separate from any other funds of the said City, and the same shall only be paid out on the cheque of the Mayor, Councillor and Treasurer, as may from time to time be required for the discharge of the liability that may be incurred in carrying out the works and improvements authorised by this Act and for the payment of interest accruing due on the said debentures during the period of the creation or completion of the said gas works. Provided also, that with any herein contained shall not be the City should deem it advantageous so to do, from paying the contractor or contractors or others in debentures either at par or at such rate of discount as the City or their agent shall deem advisable, nor from selling or disposing of the same as to them may seem most expedient and advantageous to the interests of the City. (Sec. 49, Cap. 32, 58 and 59 Vic.)

Application of proceeds of debentures.

614. The said gas works to be erected and constructed under this Act, and also the land to be acquired for the purposes thereof, and every matter and thing therein connected shall be and they are hereby specially charged, pledged, mortgaged and hypothecated for the repayment of any sum or sums which may be borrowed by the City for the purposes of this Act in respect of gas works, as well as for the due and punctual payment of the interest thereupon, and each and every of the holders of the debentures in the last previous section mentioned shall have a preferential pledge mortgage hypothec or privilege on the said lands, gas works and reports appertaining thereto for securing the payment of the said debentures and interest thereon. (Sec. 49, Cap. 32, 58 and 59 Vic.)

Security for sums borrowed.

615. After the construction of the works, all the revenues arising from or out of the supplying of gas or from the real or personal property connected with the said gas works

Application of revenues from works.

to be acquired by the City, shall, after providing for the expenses attendant upon the maintenance of the said gas works, be paid over to the Treasurer of the City and applied by him as heretofore provided and any surplus shall be treated as ordinary City revenue. (Sec. 50, Cap. 32, 58 and 59 Vic.)

Debt con-
structing power
hereby given
to be in addi-
tion to power
given hereto-
fore.

516. Nothing in this Act contained shall extend to or be construed to extend to diminish the power and authority of the City hereafter to borrow on the credit of the City for the general uses and purposes of the said City as fully and effectually as though the City were not indebted for the construction or purchase and construction of the gas works as aforesaid, or the electrical plant and works hereinafter mentioned, and as if this Act had not been passed, any Act, statute, law or provision thereof to the contrary notwithstanding. The amount of the debt which may be created as in this Act provided for the purpose of constructing gas works, shall not be deemed to be a part of the sum to which the City's borrowing powers are limited by this Act (Sec. 51, Cap. 32, 58 and 59 Vic.)

Use of City's
gas or electri-
city not to
disqualify
member of
Council.

517. No person shall be held to be disqualified from being elected or sitting as a member of the Council of the City by reason of his taking or using gas supplied by or from the gas works of the City, or by reason of his taking or using electricity or electric light or power supplied by the City as hereinafter mentioned. (Sec. 52, Cap. 32, 58 and 59 Vic.)

Interpretation
of words
"works" and
"gas works."

518. Notwithstanding any expression in this Act, the expression "works" or "gas works" shall be taken to mean and apply to all buildings, machinery, pipes and other appliances employed or used in the manufacture and distribution of gas by the City and also the land upon which the said buildings and machinery shall be situated. (Sec. 53, Cap. 32, 58 and 59 Vic.)

City engines
used to gener-
ate and supply
electricity.

519. The City may also, either separately or in connection with said gas works, erect and maintain works for the production and manufacture of electricity or electric currents for the purpose of supplying electricity for light, heat, power or any other purpose for which it may be used for use by the City or any person or corporation, and may erect and maintain and operate all works, engines, plant, dynamos, pumps, wires and other appliances necessary for producing, conducting and conveying said electricity and all pipes, burners, metres, connections and other appliances which may be deemed necessary for the efficient use of electricity for any of said purposes. The City may purchase, and after

7 And the city is hereby empowered to pass a by-law or by laws to issue debentures to cover the cost of any extension or extensions of the said electrical works hereinbefore provided for, and it shall not be necessary to submit such by-law or by laws to the ratcpayers for approval." *St. L. M. Chap 95 Sec 3 (1906)*

purchase extend, the works and other appliances of any existing company and may operate such electrical works, and in such case may, under the powers hereinbefore specified as to proceeding for the cost of gas works, contract a debt and issue debentures therefor not exceeding the sum of \$500,000 for construction or purchase and extension of any such electrical works. (Sec. 54, Cap. 32, 58 and 59 Vic.)

See addendum to Appendix.

620. The City may include the cost of such electrical works and appliances with the amount of the debt hereinbefore authorized to be created for the purpose of constructing and erection or of purchasing the gas works, and may include in one or more by-law or by-laws the amount of the debt for such electrical works and for said gas works and may issue debentures therefor, treating the total amount in the same way as if such electrical works were a part of the system of gas works by this Act authorized. (Sec. 55, Cap. 32, 58 and 59 Vic.)

Mode of raising money for above purposes.

621. But in any case, whether the debt to be created for the construction or requirement of such electrical works is included with that necessary for the said gas works or not, the by-law or by-laws shall first be submitted to the duly qualified electors, in the manner and according to the terms provided in this Act relating to money by-laws, and such by-law or by-laws shall first receive the assent of the electors before the City proceeds with the works. The word "works" shall include and relate to all the works, plant, lands, buildings, poles, wires, metres, lamps and appliances of every kind necessary for the manufacture, conveyance and use of electricity for the purpose hereinbefore named. (Sec. 56, Cap. 32, 58 and 59 Vic.)

Submission of by-laws to the electors.

Incorporation of the word "works"

622. The City may pass by-laws regulating the manufacture, sale and distribution of electricity, electric light or power, the style and use of metres, burners and all other appliances by persons and corporations, and generally shall have all the powers relating to electric works as are here provided in respect of "gas works," the manufacture, supply and use of gas, in so far as the same may be applicable. (Sec. 57, Cap. 32, 58 and 59 Vic.)

By-laws regulating manufacture and distribution of electricity

623. Nothing in this Act contained shall in any way affect or take away any right or privilege vested in the Winnipeg Electric Street Railway Company under any by-law or contract with the City of Winnipeg, or its Act of incorporation.

Rights of Winnipeg Electric Street Railway preserved

City shall be
left: the
electrical
works shall
after: after the
party have
months of the
Electric Power
Board in
Winnipeg

623. The City shall not levy any rate for or construct works for commercial electric lighting purposes until the Council has by by-law fixed a price to offer for the electric lighting works of the Winnipeg Electric Street Railway Company & nor until thirty days have elapsed after notice of such price has been received by the Company, and that the Company having accepted the same without the Company having under the clause 621 been both the offer of the City as to get the same so far as the same rate is concerned, estimated and given notice of such tender to determine the price to be paid the price accepted or awarded has been paid: and in case the City and the Company do not agree the said price shall be determined by arbitration under this Act and arbitrator to be appointed by the City, namely the Company and a third arbitrator for each two arbitrators, and, in the event of a disagreement as to such appointment, each third arbitrator to be appointed by application of either party to the Chief Justice or a Judge of the Court of King's Bench. (Sec. 38, Cap. 24, 62 and 63 Vic.)

We had shall be
determined by
arbitration in
each case

623: In such arbitration to determine the price to be paid for the works of the said Company the arbitrators shall determine the actual value of such works having regard to (1) as what the same would cost if the works should be then constructed on the property then bought or constructed then if the works not to be constructed therefrom and were constructed by reason of the system of apparatus having been in use or past absence of it: the value of such works to that to be for the purposes and to the extent to which the City can make use of the same and to such sums for construction and such other expenses as a Company would be the for same: in the case of providing more than one or less than one or more or of appliances for the of same and the cost of acquiring the right to use or of adapting same for the purpose: the arbitrators making all proper allowances but not allowing anything for prospective profits or franchise and such allowance as may be the amount which the arbitrators shall award the price to be allowed for the said works and property. (Sec. 39, Cap. 24, 62 and 63 Vic.)

If within six weeks
and within six weeks
after the date of
the award

623. And if within six weeks after the date of any award made hereunder the City shall give notice in writing that they will not accept the terms thereof then the award may be withdrawn provided that first pay all costs of the reference and award and provided also that in the event of such withdrawal the City shall not until after the expiration of two years from such withdrawal be entitled to again avail themselves of the provisions of the clause under which the award was made. (Sec. 40, Cap. 24, 62 and 63 Vic.)

estimate entire and necessary use for Commercial Electric
Lighting in the City. (3+4 Ed 1st 1904)

623d. If the City does not give notice as aforesaid, that it will not accept the terms of the award, then the amount shall be paid to the Company with a three months from the date of said award and upon such payment all liens, charges, incumbrances, claims and rights of all and any person or persons whatsoever upon any of the property of the Company included in and subject to said award are to be deemed to be discharged and the City shall, immediately after such payment be deemed to be and shall be the owner and holder of all such property entirely freed from any claim, of any person or corporation. (Sub-sec (a), Sec 32, Cap. 32, 63 and 64 Vic.)

623e. The Company may, within six weeks after the date of any award as aforesaid, give notice in writing to the City that it will not accept the terms of said award and that it withdraws from the arbitration, and in such case the Company shall pay to the City the cost of the reference and award, and provided also, that in the event of such withdrawal, by the Company the same shall be deemed to have the effect of an election by the Company to retain its property, and the City may proceed to levy a rate for and to construct and maintain works for commercial electric lighting purposes without reference to the Company. In case any expenditure be made by the Company for improving or preserving the works or for works of permanent repair, between the date of the award and the payment thereof, the amount thereof so expended shall be paid to the Company by the City, with interest at the rate of five per cent ^{in case the Company refuses to accept the award a commercial electric light works.} per annum from the date of the expenditure, provided, however, that in case of dispute as to such amount the same shall be referred to the decision of a single arbitrator who shall be the third arbitrator referred to in section 623a of this Act, and, in case of his inability or refusal to act, then by a single arbitrator to be agreed upon by the Company and the City, or in case of their disagreement then to be appointed upon the application of either party upon notice to the other to the Chief Justice or a Puisne Judge of the Court of King's Bench for Manitoba, the certificate or decision in writing of such arbitrator as to the proper amount to be final between the parties. (Sub-sec. (b), Sec. 32, Cap. 32, 63 and 64 Vic.)

623f. Nothing contained in the six next preceding sections shall affect the City's rights as to electric street lighting and the lighting of civic buildings and public places. (Sec. 43, Cap. 24, 62 and 63 Vic.)

^{Rights of City as to lighting civic buildings moved}

DRAINAGE.

Construction
of drains by
individuals.

624. Where one or more owners or occupants of land desire to construct a drain, ditch or water-course across the lands of others for agricultural or sanitary purposes, such person or persons may file a petition with the Clerk, setting forth the necessity of the same, with a description of its proposed starting point, route and terminus, and praying that permission be granted for doing the said work, or that the same may be undertaken at the general expense of the City. (Sec. 61, Cap. 32, 58 and 59 Vic.)

Petitioner.

Submission of
petition to
Council.

625. The Clerk shall lay the petition aforesaid before the Council at its next meeting, and the Council may thereat, or at a subsequent meeting, give the permission asked for in the petition or may decide to perform the work as a municipal work, or may refuse the same. In the event of it being decided that the work shall be performed the amount of compensation (if any) to be paid to the owner or occupant across whose lands such drain, ditch or water-course is proposed to be constructed, in lieu of damages to such land by the petitioner or Council (as the case may be) shall be fixed and determined by the Council, and it shall be a condition precedent to the payment of the amount aforesaid shall be a condition precedent to the right of such petitioner or Council or his or its servants or agents, to enter upon the said lands, and to do and perform the said work. (Sec. 61, Cap. 32, 58 and 59 Vic.)

Compensation.

Payment of
compensation.

626. Upon the payment by the petitioner or Council to the owner or occupant, across whose lands such drain, ditch or water-course is proposed to be constructed, of the amount of the compensation money (if any) hereinbefore provided leave and license shall be given to such petitioner or Council to enter upon the said lands and to perform the work. (Sec. 61, Cap. 32, 58 and 59 Vic.)

Decision of
Council to be
final.

627. Any decision made by the Council under the provisions of the three next preceding sections shall be final and binding upon all persons interested. (Sec. 61, Cap. 32, 58 and 59 Vic.)

Penalty for
obstructing
public drains
or water
courses.

628. Any person who shall wilfully and intentionally fill or dam up, cut, injure or destroy, or in any manner impair the usefulness of, any drain, ditch or water-course, constructed or hereafter to be constructed for the purpose of drainage or protection against overflow, shall, upon conviction, be liable to a fine of not less than five dollars nor more than fifty dollars and costs, and in default of payment

6194. The Council may pass a bylaw to enforce its method of
operating and maintaining mains, valves, gas production or otherwise, pipes,
tanks, pipes, hydrants and all other necessary appliances & provide its own
own protection in any part or parts of the city and may determine the share of
any of the cost of installation, operation and maintenance as appears which
the City generally will assume or contribute. The provisions of the Charter
and parliamentary action 1874 & 1876 inclusive as to waterworks & gas
benefits the purchase of securities & thereon & the cost addressed by
the City of Montreal the assessment & such cost the collection of
same as taxes the issue of debentures therefor authorized the City there
shall apply to the words mentioned in this section and each word
shall be treated and regarded in all respects as local improvements
The Council may make the persons for the carrying & the debentures and
the repayment of the debt created by their issue shall over a term
or terms respectively not exceeding thirty (30) years.
4 & 5 Ed. VII. Cap 53 (1905)

to be imprisoned for not less than one week or more than two months. (Secs. 61 and 62, Cap. 32, 58 and 59 Vic.)

LOCAL IMPROVEMENTS AND SPECIAL ASSESSMENTS.

629. The Council may pass by-laws for the following purposes — City may pass by-laws.

(a) For providing the means of ascertaining and determining what real property will be immediately benefited by any proposed work or improvement the expense of which is proposed to be assessed as hereinafter mentioned, upon the real property directly benefited thereby and of ascertaining and determining the proportions in which the assessment of the cost thereof is to be made on the various portions of real estate so benefited. For ascertaining property to be benefited by local improvements and for fixing assessment rates.

(b) For assessing and levying, by means of a special rate, the cost of deepening any stream, creek or water-course, and draining any loan is or the cost of making, enlarging or prolonging any common sewer or of opening, widening, prolonging or altering macadamizing, grading, levelling, paving or plank-ing, grave-ling or making any other kind of street improvement in or upon any street, lane, alley, public way or place, or of constructing any sidewalk, bridge, culvert or embankment forming part of a highway therein, or of curbing, sodding, planting trees upon or plank-ing any street, lane, square or other public place, or of reconstructing any work hereby provided for. For assessing rate for certain local improve-ments.

(c) The Council may assume jurisdiction over and make improvements upon and levy local improvements and other assessments in respect of lanes and public places in the City, where the same are not less than twelve feet in width.

(d) For regulating the time or times and manner in which the assessments to be levied under this section are to be paid, and for arranging the terms on which parties assessed for such work or improvements may compute for the payment of their proportionate shares of the cost thereof in principal sums; For regulating time manner in which assessments to be paid, etc.

(e) For effecting any such work or improvements as aforesaid with funds provided by parties desirous of having the same effected. (See 502, Municipal Act.) For effecting and improving same with funds supplied by owners of property benefited.

(274 " See on p. 42, 71)

630. Unassessed assessments or levies for local improvements, whether under a by-law of the City or under the provisions of "The Land Drainage Act," shall not be deemed to be an incumbrance as between vendor and purchaser. (Sec. 11, Cap. 18, 59 Vic.; Sec. 8, Cap. 33, 1 Ed. VII.) Unassessed assessment for local improvements not an incumbrance as between vendor and purchaser.

Areas or openings

631. The City may permit areas or openings to be constructed in or under its sidewalks and streets and may authorize the construction of any such areas constructed prior to the coming into force of this Act, and may make an annual charge for such privilege and for the use of the areas or openings theretofore constructed of such sums as the Council may think reasonable, and may enforce the payment of said sums in like manner as City taxes.

Annual charge for privilege

Bonds and agreements, as to indemnity

(a) All bonds and agreements entered into before and existing upon said date, between any owner or owners of property in the City and the corporation thereof for indemnity in respect of such areas, are hereby cancelled and made void as to such indemnity except as to any rights or causes of action which have accrued thereunder to the corporation owing to any accident or injury arising from negligence in connection with such areas or from the improper use thereof prior to the said date.

Not to create vested rights

(b) Neither this section nor any permission or privilege in respect of such areas or openings granted by the City corporation under this section shall interfere with any liability created or existing under the provisions of this Act, nor with the remedies ever provided by this Act, nor shall this section or such permission or privilege create any vested right in any such area or opening.

Rate to be assessed on frontage

632. The special rate to be assessed and levied shall be an annual rate, according to the frontage thereof upon the real property fronting or abutting upon the street or place wherein or whereon such improvement or work is proposed to be done or made. (Sec. 504, Municipal Act)

Local improvement assessment on narrow frontages

633. When a local improvement assessment is made in respect of any of the matters mentioned in sections 629 to 676 of this Act, and such assessment shall be levied upon the lots fronting on the streets in respect of which such assessment is made, then, notwithstanding any form or plan of subdivision of land into narrow lots or alienation, sale or other disposition of a part of any lot such assessment shall be a lien upon and shall apply to at least twelve feet in depth measured from the frontage of the street or part of street in respect of which the assessment is made. The foregoing shall apply to the assessment for all works heretofore made or hereafter to be made. (Sec. 10, Cap. 32, 63 and 64 Vic.)

Additional assessments when first insufficient

634. If in any case the first assessment for any such work or improvement prove insufficient, the Council shall make a second or other additional assessment in the same manner,

a) In the case of absolutely permanent discharge the Employer
pays five cents per square yard for a new lot of
of the work to meet or insure the cost of the discharge and maintenance
for a term of years to be determined

31st Ed. 100 Chap. by Sec. 6 (1901)

and so on until sufficient moneys shall have been realized to pay for such improvement or work, and if too large a sum shall at any time be raised, the excess shall be refunded rateably to those by whom it was paid. (Sec. 505, Municipal Act.)

635. Nothing contained in the four last preceding sections shall be construed to apply to any work of ordinary repair or maintenance, but all works constructed under the said preceding sections shall thereafter be kept in a good and sufficient state of repair at the expense of the City. Provided, however, that, in any case of renewal of construction or removal of any kind, the foregoing provisions, including those as to valuation and assessment, shall apply to such renewal in the same manner as if such work were being provided for for the first time. The provisions of this section shall apply to the cost of a renewal work whether or not the same be different in kind or material from the former local improvement of which it is a renewal or replacement, and whether such former work was made at any time before or shall have been made after the passing of this Act. (Sec. 11 Cap. 59, 60 Vic.)

See subsection (a) on fly leaf

636. It shall be deemed to have been and to be a sufficient compliance with the provisions of the five last preceding sections if the Council shall have passed or shall pass a general or a special by-law providing the means of ascertaining and determining what real property will be immediately benefited by any proposed improvement, the expense of which is proposed to be wholly or partially assessed upon the real property immediately benefited thereby, and of ascertaining and determining the portions in which the assessment is to be raised on the various portions of real estate so benefited and to name and appoint in respect of such proceedings the officer or officers of the City whose duty it is to take or perform the same, and that not be deemed to have been or to be necessary to pass a special by-law for the purposes above mentioned in each particular instance. (Sec. 507, Municipal Act.)

637. Upon the receipt of a petition praying for any of the works and improvements mentioned in the seven last preceding sections signed by at least one-half in number of the owners of the real property to be benefited thereby, such owners representing at least one-half in value of such real property according to the last revised assessment roll, the Council may take all proper and necessary proceedings for the execution and completion of such work or improvements with as little delay as possible. (Sec. 508, Municipal Act.)

Four last sections not to apply to work of repair or maintenance

Provision that preceding sections shall apply to renewals of construction.

General local improvement by-law a sufficient compliance with Act

See fly leaf

Petition praying for works.

Petition
against works.

638. Any such work or improvement may be undertaken by the Council, and the assessment of the costs thereof made upon the properties benefited thereby, unless the owners of the real property affected, representing at least three-fifths in value thereof, petition the Council against the same within one month after the publication of a notice of the intention of the Council to undertake the said work, such notice to be inserted in at least two newspapers published in the City once in each week for two weeks. Notwithstanding that any notice of intention heretofore or hereafter to be given under the authority of this section has been or shall be expressed to be a thirty days' notice, instead of for one month, the same shall not be deemed to be invalid nor to invalidate the assessment by-law passed in respect of the work of local improvement indicated in said notice. (Sec. 509, Municipal Act, as amended.)

Notice of work
being under-
taken.

Notice of
intention to
execute local
improvements
shall be a 30
days' notice.

By-law not
invalidated by
providing
lower rate of
interest than
mentioned in
notice.

639. No local improvement assessment by-law passed by the Council shall be invalid by reason of the same providing for a lower rate of interest upon debentures than that mentioned in the notice of the Council's intention. (Sec. 509, Municipal Act, and amendments by Sec. 12 Cap. 20, 60 Vic.)

By-law not to
be passed if
sufficiently
signed petition
against it is
daily
presented.

640. If the owners of the real property affected, representing at least three-fifths in value thereof petition the Council against such assessment within one month after the publication of the notice of such proposed assessment, the by-law for the levy of the special rate shall not be proceeded with. In the event of any such petition against any such proposed work or improvement, sufficiently signed, being presented to the Council, no second notice of assessment for the same proposed work or improvement shall be given by the Council within one year thereafter. (Secs. 510 and 511, Municipal Act.)

Ascertaining
value of the
value of
property of
petitioners
against by-
law.

641. The value of the real property which the owners petitioning against the assessment represent may be ascertained and finally determined in such manner and by such means as are provided by by-law in that behalf, which by-law may be general and it shall not be necessary for a by-law to be passed in respect of each case. (Sec. 512, Municipal Act.)

Works in
vertical streets
may be com-
pleted before
assessment
made.

642. In any case, when notice of a proposed improvement, work or service, to be paid for by special assessment as a local improvement, has been given by the Council, pursuant to the provisions of this Act, and no petition sufficiently signed as aforesaid has been presented to the Council

against such proposed improvement, work or service and assessment within the time limited in that behalf by this Act, it shall be lawful for the Council, in the same or any succeeding year, to carry on the proposed work, improvement or service to completion before making the assessment therefor, and such notice so given shall stand good as the authority for undertaking any such work, improvement or service, and for making area assessment or assessments, and for passing and necessary by-law whether the same shall have been or shall be undertaken and completed by the Council giving such notice or by the Council in any succeeding year. (Sec. 513, Municipal Act.)

643. There shall be a right of appeal from any such assessment, whether under a general or a special by-law, in cases where, as it is intended to assess the costs of such local improvement upon properties other than those immediately fronting upon the street or streets, or parts thereof, within or upon which such improvement is made, to the County Judge as is provided for in cases of appeal from ordinary assessments under this Act. (Sec. 514, Municipal Act.)

Appeal
against such
assessments

644. In the cases referred to in the preceding section no by-law passed by the Council under the provisions of this Act shall require to be advertised by the Council in any newspaper, but a written, or printed, or partly written and partly printed, notice of the sitting of the Council or the committee of the Council, sitting as a Court of Revision for the confirmation of such special assessment, shall be given to the owners of each parcel of real estate included in such by-law and assessment or to their agents. The provisions of this section shall be read as not applying to any case in which the assessment for local improvement is made directly upon the properties fronting upon the street or part of street or streets in which said improvement is made. (Sec. 515 Municipal Act, Sec. 11, Cap 32, 63 and 64 Vic.)

Notice of by-law passed need not be given

Notice in writs of confirmation of assessment

Saving clause re notice required by this section

(1) Every such notice shall contain a general description of the property of such owner in respect of which the same is given, the nature of the improvements, works or services, the approximate total cost thereof the approximate amount of assessment on the particular piece of property and the time and manner in which the same is payable, and shall be signed by the Clerk or the Assessment Commissioner, or other officer to be appointed by the Council for the purpose, and be mailed to the last known address of the person entitled to notice at least fifteen days before the day appointed for the sitting of said Court of Revision (being the

Contents of such notice.

Council, or a committee thereof named or appointed by resolution), and ten days' notice shall also be given, by publication in some newspaper having a general circulation, of the time and place of the meeting of the said Court, which notice shall specify generally what such assessment is for and the total amount to be assessed. (Sec 516, Municipal Act.)

Notice to be given when address unknown.

(2) If the address of any said owner or owners be unknown, said notice shall be sufficiently given to him or them if the same be published in a newspaper published in the City at least fifteen days before the said sitting of the Court of Revision. Notice to several owners may be included in one form of notice by publication, provided that it indicates the parcel or parcels of real property owned by each person to whom the notice is addressed. (Sec 517, Municipal Act.)

Notice to several owners may be in one form.

Notice of intention to assess property not fronting on street for local improvements therein.

645. In case it is intended to assess the cost of such local improvement upon properties other than those immediately fronting on the part of the street or streets whereon or upon which such improvement is made, a notice of intention, as provided for in section 638 of this Act shall be given and such notice shall state the part of street or streets, the properties fronting on which it is proposed to assess, or shall state generally the boundaries of the block or blocks upon which it is intended to levy the assessment, and if it is proposed to assess some of said properties at a different rate from others, owing to the greater or less benefit to be derived from such local improvement such proposals shall be indicated in said notice, but it shall not be necessary to define accurately in said notice the varying proportions of said assessment. If the assessments are to be made upon properties other than those immediately fronting on the part of street or streets wherein the improvement is made, or to be made, the notices provided for in section 644 shall be given in the several cases as therein mentioned. (Sec 518, Municipal Act.)

Notice to be given when special rate to be an assessed rate according to frontage.

646. In all cases of any local improvement or work, wherein it is the intention of the Council to provide that a special rate to be assessed therefor shall be an assessed rate according to the frontage of the real property fronting or abutting upon the street or the portion of the street or place whereon or wherein the work or improvement is proposed to be done or made, it shall not be necessary to advertise the by-law in any newspaper, but it shall be sufficient to give the newspaper notice provided to be given by section 638 of this Act, which notice shall contain a general description of said work, stating the points between which it is to be made, and it shall not be necessary to state therein the value

of the real property rateable therefor or the rate to be imposed upon such real property, and it shall not be necessary to give any other notice to the individual owners of the property to be affected or benefited by said local improvement or work. (Sec. 519, Municipal Act, Sec. 9, Cap. 35, 55 Vic., 1892.)

647 Whenever an appeal lies from the Court of Revision to the County Court Judge under the sections of this Act numbered from 629 to 645, inclusive of both such numbers, the said County Court Judge shall, in addition to his other powers under this Act have the power to inquire and determine what other lands (if any), than those included in the assessment appealed from are or will be specially benefited by the proposed work or improvement, and to add such lands to the assessment, notwithstanding such lands or any part thereof may not have been specified in any notice of appeal to the said Judge, and the said Judge shall cause all parties to be affected by the addition to the assessment of their lands to be notified of the time and place when and where the said appeal and matter will be considered, and may for that purpose adjourn the hearing of the said appeal from time to time. (Sec. 520 Municipal Act.)

Power of
Judge on
appeal under
Secs. 629 to 645
to add lands
which would be
specially benefited

648 It is in the case of the construction or repair of a bridge or culvert or the opening up and extension of any street, lane or alley, the Court shall determine that real property other than that fronting or abutting upon the street, lane or alley wherein or wherein the improvement is made, or to be made, is specially benefited and ought to be charged with a part of the cost thereof, including the price of and the cost of purchase or expropriation of the necessary lands or other property, and shall determine the proportion in which the cost of the improvement shall be assessed against the lands so benefited; the Council shall assess and levy the proportion of the cost of the improvement chargeable against the lands benefited but not fronting or abutting upon such street, lane or alley by a frontage rate in like manner as the same would be assessed and levied in the case of lands fronting or abutting upon the street, lane or alley wherein or wherein the improvement is made or to be made. (Sec. 521, Municipal Act.)

Power to
assess lands
benefitted by
the improvement
fronting or abutting
on street

649 In case there has been or shall hereafter be a change of plan of subdivision or a division of the ownership of any parcel or parcels of land upon or in respect of which a special rate for local improvement has been or shall hereafter be levied or assessed, the Assessment Commissioner, both in respect to arrears and also to the special rate for future years, may apportion to and against each respective

Apportionment of local
improvement
tax where
divided sections or
change of
ownership
occurs.

part of the original parcel or parcels of land such proportion or share of the sum originally assessed against the same as he shall deem just, and the sum or sums so re-apportioned shall be levied and collected as if they had in the original by law been assessed against the parcels according to the re-subdivision or division of ownership. The law, so far as to the amount of assessment provided by section 654 hereof shall not apply to such re-apportionment. (Sec. 533, Municipal Act, as enacted by Sec. 10, Cap. 23, 55 Vic, 1892.)

**Mode of
Assessing
corner lots and
irregularly
shaped lots
of land.**

650 The Council may, by by-law, provide an equitable mode of assessing, for local improvements, works and services, corner lots and triangular or other irregularly shaped pieces of land, lots fronting on a river and lots having one or side frontages on water, having also regard to the situation, value and superficial area of such lots, as compared with adjoining lots and pieces of land assessable for such improvements, works and services, and may charge the amount of any allowance made on any such lot or piece of land on the clear real property fronting on the improvements, or assume the same as a portion of the share of the work or improvements, but any such assessment shall be subject to appeal to the Court of Revision, and from the Court of Revision to the County Court Judge as herein provided. (Sec. 533, Municipal Act.)

**Special
assessment of
lands fronting
streets for
building
purposes.**

651 Where the lands on either side of a street, lane or alley in the City in the opinion of the Council, are from any cause unfit for building purposes, and the Council deem it inequitable to assess the same for local improvements at as high a rate as the building lots fronting on a street, lane or alley, the Council shall in all such cases determine in what proportions the cost of any such improvement shall be borne by the lands on each side of said street, lane or alley respectively. (Sec. 534, Municipal Act.)

**Special
assessment of
land fronting
on any public
square, etc.**

652 Real property adjoining and fronting on any park, square, public drive or boulevard shall be specially answerable for and in respect of the improvements, works and services made, done or provided upon or in any such drive or boulevard in like manner as real property fronting or abutting upon any public street but where a public park, square, drive or boulevard exists, or may hereafter be established, the lands adjoining it not exempt from taxation shall be answerable only in respect of such improvements, works and services to the extent to which such lands are specially benefited by such improvements, works and services, and where the lands on one side of such drive or boulevard are a public park or square, or for other reasons are exempt from

taxation, at least one-half of the cost of such improvements works and services shall be borne by the City generally, and no petition against any such assessment shall avail to prevent the carrying out of any improvement, work or service in any such park square, drive or boulevard, and the making of such special assessment. (Sec. 525, Municipal Act.)

653. In ascertaining and determining the cost of drain Branch drains ing any locality, or of making and laying or prolonging any conduit on sewer, the Council may estimate the cost of the construction of branch drains to the line of street, and include the cost of such branch drains in making the assessment for such drains or conduit sewer as a local improvement. (Sec. 526, Municipal Act.)

654. The special assessment for any conduit on sewer or drain in any street, lane, court or thoroughfare or section of the same shall be imposed and paid as follows:— Each owner of real estate situate on either side of such street or thoroughfare, unless otherwise exempt, shall pay to the City the sum of two dollars for each and every linear foot of his property fronting thereon, and, if the same be paid by special assessment extending over a term of years, interest at five per centum per annum shall be charged as in other cases, the remaining expense, if any, shall be borne by the City. (Sec. 17, Cap. 25, 55 Vic.; Sec. 20, Cap. 23, 56 Vic.)

Rate per foot
to be
charged for
each section
of sewer.

655. The twenty seven last preceding sections shall apply to the case of any sewer not yet constructed, but for the construction of which a by-law may have been passed, so as to enable the City to assess a part of the rate on real property other than that abutting on the street or streets wherein the improvement is made as to make and provide the moneys necessary to be furnished by the City for the construction of the same, either as its share of the cost or as the portion for which an assessment is hereafter to be made on the real property so benefited but not abutting on the street or streets wherein such improvement is made.

In carrying
operation of
improvement
sewer.

656. The Council may provide that a plan or plans be made, under the supervision of the City Engineer, showing part or parts of the City where sewerage or drainage would find an outlet through any sewer now being or hereafter to be constructed such plans to be known as "Sewerage System Plans" and to be filed in the Engineer's office.

Provision for
assessing cost
of outlet of
sewer.

657. In case the Council be about to construct, renew or alter the character of a pavement, the Council may, before

Special
improvement for
surface drain

whenever it shall be
proven that
any person has
been guilty of
any offence
under this Act.

laying down such new pavement, put in all necessary private drain connections from any existing drain or sewer upon such street or portion thereof, to the street line on each side of such drain or sewer and may assess and levy the cost thereof upon the particular property benefited thereby as part of its share of the cost of said local improvement, pursuant to the provisions of this Act. (Sec 570, Municipal Act.)

When any sewer
shall be
constructed
between
streets.

558. Whereas in certain cases the City has constructed sewers in streets parallel and near to the Red and Assiniboia Rivers and the owners of the properties fronting on said streets had already made sewerage connections with one or the other of the said rivers, and it is expedient to assess such properties or their owners for the proportionate cost of said sewers until they make such connection therewith, and the City has agreed to delay and postpone the City is hereby authorized to make such assessment on such cases until sewer connections are made as follows: And it is made from such properties as aforesaid and upon which any such connection is made, assess such properties or their owners of same at the respective rates and amounts charged the other properties under the by-law relating to such sewers, and not postponing that the period of assessment earned on any such by-law shall have previously expired; the Council may continue the assessment on the properties as aforesaid until they shall have paid an amount equal to that fixed by law for their proportionate cost of sewerage according to frontage, together with the rate of interest provided for by law, but no interest is to be charged for the time elapsing between the construction of the sewer and the time when a first assessment shall have been made. The City is also authorized in future cases where the conditions are similar to those herebefore set out to delay such assessment until sewer connections are made as aforesaid and then to make the assessment in the manner hereinbefore provided. And any agreement heretofore or hereafter made between the City and parties interested in lands affected as aforesaid, providing for assessment after such period of delay, shall be deemed valid and binding.

It is hereby
declared that
the City of
Winnipeg is
authorized to
make

Agreement to
be made
between
the City and
the owners
of the land

In future cases
the City may
delay the
assessment

Agreement to
delay assessment

Provision of
sewer and
connections
to be made
from the
middle of
the street

559. The Council may provide for equalizing the cost of making sewer connections as against the properties on the two sides of the street where the sewer is set in the middle of the street and the City may for such purpose charge against the properties on the side of the street nearest to which the sewer is situated such sum or sums and above the actual cost of the sewer connection as would have extended to the middle of the street. (Sec 5, Cap 23, 1 Ed VII)

600a. The council may direct that any building upon any property which fronts or abuts upon any street or lane, in which both water and sewer lines exist, shall be connected with the water and sewer mains so that the cisterns, sinks and privies may be properly drained. The said sewers, and the cisterns and privies may be ordered by the health officer used such time as the necessary connections are made and the premises placed in a sanitary condition.

1866 Ch. 10, Sec. 1, 1906

601a. Upon report of the city engineer or the health officer recommending same, the council shall have power to direct the city engineer or water board and board of public works, or any one of them, to cause any building situated on a lot fronting or abutting upon a street or other place where there are sewer and water mains, and the city engineer or water board, or the board of public works, or any one of them, thereof, may cause to construct and install such plumbing, or other sanitary improvements, as may be required to be done, and after such plumbing or other sanitary improvements have been completed the city engineer shall make a certificate as to such plumbing or other sanitary improvements, stating therein the number and description of the lot or parcel of land whereon such sanitary improvements are made, and the actual cost of the work, and shall file such certificate with the assessment commissioner, and the amount of such cost, as so certified, shall be divided into seven equal annual installments after allowing for interest at a rate not to exceed five per centum per annum and sinking fund, and one of such installments shall be added to the taxes on such lot or parcel of land on the collector's roll for each year for a period of seven years, beginning with the roll prepared next after the filing of said certificate, and the said cost shall be collected in the same manner and shall be treated in all respects as ordinary taxes due upon the said land. For the purpose of making, constructing and installing such plumbing or other sanitary improvements and paying interest on the debentures herein-after next mentioned, the city shall have power to pass a by-law or by-laws for the issue of debentures of the said city, to be called 'plumbing debentures,' in the sum of not less than \$100 each and the city seems expedient. These debentures shall be made payable in the manner and at the times following, that is to say, within a period not exceeding seven years from the date of the respective issues thereof. Said debentures shall bear interest at the rate of not more than five per centum per annum, which interest shall be payable not often or than half yearly. The said debentures shall be signed by the mayor, treasurer and controller of the city for the time being or such other officers as may be prescribed by the by-law, and may be made payable either in sterling or currency in this Province Great Britain or elsewhere as to the council shall seem expedient or necessary. Such by-law or by-laws shall not require to be submitted to the council for approval.

1866 Ch. 10, Sec. 4, 1906

660. The Council shall have power to direct sewer connections to be made between a sewer in any street or part thereof and the property fronting on such street, and such connections shall be made by the City Engineer or under his inspection (if made by the property owner). If the said connection be made by the City, the City Engineer shall make a certificate of the cost of same, stating therein the number of the lot or parcel of land with which such connection has been made and shall file said certificate with the Assessment Commissioner and the amount of such cost as so certified shall be added to the taxes of the land or parcel of land named in said certificate in the Collector's rolls prepared next after the filing of said certificate, and the said cost shall be collected in the same manner and shall be treated in all respects as ordinary taxes due upon the said land. (Sec. 19, Cap. 20, 57 Vic.)

Council may direct sewer connections to be made.

Payment of cost thereof.

Sec. 19, Cap. 20, 57 Vic.

661. Upon the report of the City Engineer, or Health Officer recommending the same, the Council shall have power to direct sewer or waterworks connections or both to be made between any lot or property (whether occupied, built upon or not) and the sewer or waterworks main in the street upon which such lot or property fronts, and the City shall make or construct such connection. The City Engineer shall make out a certificate as to such sewer connections as provided in the preceding section hereof, and the cost of the work shall be treated as ordinary taxes and shall be charged and collected against the property or lot with which such connection is made as provided in said last mentioned section. And upon the report of either the City Engineer or the Health Officer recommending the same as a sanitary necessity, the private drain or sewer connection may be extended into any such lot or property, and the cost of the work shall be treated as ordinary taxes and charges and collected against such lot or property in the manner hereinbefore provided. (Sec. 14, Cap. 24, 62 and 63 Vic.)

Council may direct sewer and water connections as sanitary necessities.

Payment of cost thereof.

Sec. 14, Cap. 24, 62 and 63 Vic.

662. When the Council constructs, renews or alters a pavement it may make and place all necessary driving or other approaches and crossings to private property, and the cost of each shall be added to the amount of frontage assessment chargeable to such properties and collected in the same way as the cost of other local improvements. (Sec. 15, Cap. 24, 62 and 63 Vic.)

When pavement constructed etc. Council may make approaches to private property.

663. The Council may permit the owner or owners of land in the City to build or improve the sidewalk in front of his or their lands, under the direction of the Council or any officer thereof appointed for that purpose, and accord

Improvements of sidewalks in front of owner's lands.

ing to such plans and regulations as the Council may prescribe, in which case the owners or occupants of such lands shall be exempt from all taxes for improvements of a like nature as long as he or they shall keep the same in repair to the satisfaction of the Council. (Sec. 531, Municipal Act.)

Council may determine questions of cost and deemed expedient and necessary to construct or repair bridges or culverts on any street, lane or alley, or to open up or extend any street, and on a way within the limits thereof, for the most convenient convenience or benefit of any locality within such limits, and the Council is of opinion that from any cause it is necessary to charge the whole of the cost of the improvement on the lands fronting thereon, the Council shall determine what lands are benefited by such works or improvements and the proportion in which the cost thereof shall be assessed against the lands so benefited, and also the proportion of share of the cost of the improvement which shall be assumed by the City as its share thereof.

564. Where it shall in the opinion of the Council be deemed expedient and necessary to construct or repair bridges or culverts on any street, lane or alley, or to open up or extend any street, and on a way within the limits thereof, for the most convenient convenience or benefit of any locality within such limits, and the Council is of opinion that from any cause it is necessary to charge the whole of the cost of the improvement on the lands fronting thereon, the Council shall determine what lands are benefited by such works or improvements and the proportion in which the cost thereof shall be assessed against the lands so benefited, and also the proportion of share of the cost of the improvement which shall be assumed by the City as its share thereof. Provided always that the share or proportion of the cost of such improvement assumed by the City may be provided for by the issue of debentures upon the credit of the City at large in like manner as in the case of its share of other local improvements. (Sec. 532, Municipal Act.)

City may issue debentures for the payment of the cost of such works or improvements.

By laws for raising money for local improvements.

565. In any case where in the opinion of the majority of the whole Council the constructing, erecting or maintaining of any bridge, culvert or embankment, the deepening of any stream, creek or water course, the draining of any locality, or the making, altering or prolonging of any common sewer, or the opening, widening, prolonging or altering, maintaining, grading, leveling, paving or planking of any street, lane, alley, public way or place, or of constructing any sidewalk forming part of a highway therein or curbing, widening or planking any street, lane, alley, square or other public place, or of reconstructing any work hereby provided for, benefits the City at large or generally, and that it would be inequitable to raise the whole cost of such improvement or work by local special assessments, the Council may pass a by-law for borrowing money, by the issue of debentures upon the credit of the City, to provide as the corporation's share of the cost of such improvement or work an amount not exceeding four-sevenths of the whole cost thereof, and no such by-law shall require the assent of the electors before the final passing thereof. (Sec. 533, Municipal Act.)

Borrowing money for raising cost of local improvements.

566. The Council may pass all by-laws necessary, from time to time, to raise loans and borrow moneys, required for any local improvements and works, on the credit of the City

Estimates - appropriations
p 79 (268 B)

92. So as to enable the city to issue the whole or any part of its debentures in any year in one issue or series the council may, on or before the first day of June in each year, make an estimate of the amount of money required to pay for the cost of local improvements under sections 629 to 677 of the Charter (including section 629a thereof as enacted by section 6 of chapter 53 of 4 and 5 Edward VII) and section 910 of the Charter to be made or constructed or extended during such calendar year, it being hereby declared that, for the purposes of this section, works done and plant purchased and installed as a part of the city's additional or high pressure water systems for fire protection and extensions of the city's ordinary waterworks systems shall be deemed to be local improvements. The city may, by by-law, authorize the issue and sale of debentures for the purpose of raising such sum prior to completing or proceeding with the construction of such local improvements. The city, by such by-law may also include the amount of any debts or liabilities created by by-laws passed in the same year under the provisions of sections 480 to 545 of the Charter and debts created by by-laws specially authorized by the Legislative Assembly of the Province of Manitoba, and direct the issue in one series of the debentures authorized to be issued by all or any of such by-laws with the debentures to be issued for raising the amount estimated as aforesaid for the cost of local improvements.

(a) Such debentures shall bear such rate of interest not exceeding 5 per centum per annum as the council may direct, and the council may provide for a sinking fund or payments of principal and interest as respectively provided in sections 538 and 541 of the Charter. The council may provide for extending the time for the payment of the debt in either of said methods over a period not exceeding thirty five years, notwithstanding that the frontage or other property assessments to be made for the purpose of repaying or recouping the city the cost of such local improvements may, according to the different clauses of said works, be payable at one or more different periods.

(b) The council shall possess a discretion as to whether it shall consolidate the debts created in one year by one or more such by-laws.

(c) In case the amount of any debt authorized by any by-law duly passed by the council under the formalities of sections 480 and 538 of the Charter is included in any such consolidating by-law, it shall not be an objection to the latter if, for the purpose of making the date of payment uniform, the council, without re-submitting any by-law for that purpose, shall change the date of payment or maturity of the debentures authorized thereby, provided the time of maturity or the payment period fixed by the consolidating by-law is not more than five years greater or five years less than the period fixed by such individual by-law. And, in case there is any such change in the payment period, a re-computation of the amount necessary for the annual levy of sinking fund or instalments of principal and interest shall be made. But nothing herein contained shall authorize any change in the amount of the debt authorized by any such individual by-law when so consolidated, nor the annual rate of interest to be paid thereon, nor any change in the application of its share of moneys borrowed to purposes other than those named in such individual by-law.

(d) In case any individual by-law, the amount of whose debt is included in such consolidating by-law, has been attacked by any motion or proceeding to quash the same in the Court of King's Bench before the sale of the debentures, then the council shall withhold from such sale an amount of the debentures authorized to be issued under the consolidating by-law equal to the amount of debentures authorized by such individual by-law, but, if such motion or proceeding fails, then said debentures may be issued and sold.

(e) If the council's estimate for the cost of local improvements (defined as aforesaid) shall in any year prove to be less than the total cost of such works deemed necessary in such year, the council may nevertheless proceed with such works and include so much of the amount of the cost thereof as was not provided for in the consolidating debenture by-law of the next following year.

(f) Nothing in the foregoing shall affect or change the procedure for initiating local improvements, nor the manner of making the frontage assessments therefor, according to the respective characters of the works and the times fixed for payment of such assessments in each case.

(g) The provisions and authorities contained in this section and the preceding sub-sections thereof, except as to making such estimate, shall apply in all respects to all debts created by any by-law or by-laws of the city in the year 1906 and to the issue of debentures to provide for the cost of all local improvements (as heretofore defined) made or constructed, or for which money was expended, during the year 1906, so as to permit the consolidation of said debts and the debentures therefor.

(h) Debentures and the coupons for interest thereon may be made payable in sterling or decimal currency and at any place or places in Great Britain, Canada or the United States.

(i) No debenture issued under any such consolidating by-law shall have or constitute a preferential pledge, lien, mortgage, hypothec or privilege upon any lands or property, but nothing herein shall affect any lien, hypothec or preference of any debenture previously issued.

209. 677 Ed. 44 Cap. 48 Sec. 110 (1907/

at large, and it shall not be necessary to obtain the assent of the electors of the City to the passing of any such by-law under the provisions of this Act, any special or private Act in that behalf to the contrary notwithstanding. (Sec. 534, Municipal Act.)

567. Debentures may be issued under local improvement by laws on the security of special assessments therefor, but such debentures form no part of the general debt of the City within the meaning of this or any Act fixing the limit of such general debt, and it shall not be necessary to recite the amount of such local improvement debt, so secured by special rates or assessments in any by-law for borrowing money on the credit of the City at large as aforesaid, but it shall be sufficient to state in any such by-law that the amount of the general debt of the City as therein set forth is the amount of local improvement debts secured by special Acts, rates or assessments. (Sec. 535, Municipal Act.)

(Debentures do form no part of general debt.)

(Assessments by law)

568. The City shall be liable for, and shall pay to the holders thereof, the whole of the principal and interest as the same falls due in respect of debentures to be issued for local improvements and works, including not only the share assumed by the City, but also the part repayable by special assessment.

(City liable to holders of loan, the provincial general assets for their full amount)

569. Every debenture issued under this Act for local improvement purposes may bear on its face the words "Local Improvement Debentures" and shall contain a reference by date and number to the by-law under which it is issued.

(Form of debenture)

670. The Council may from time to time, after the passage of the several by-laws covering the several amounts required for particular local improvements as therein specified, without in any way affecting the liens on the lands thereon raised and to be improved, thereby, further pass a collection or consolidative by-law consolidating such several amounts and issue the required debentures in a general consecutive issue under and consolidated by law apportioning nevertheless the amount raised thereby and crediting each service with the amount previously estimated and named for the same under the individual by-law passed in the first instance. The Council shall insert a clause in such individual by-laws intimating that the amount of debentures to be issued thereunder is subject to consolidation, and in such case it shall be sufficient to state in such individual by-law that the next amount of debentures to be issued thereunder shall be issued at or more years from the date of issue of the same, without defining a specific date. (Sec. 13, Cap. 25, 55 Vic, 1902.)

(By-law consolidating by-laws for issue of local improvement debentures)

As to debentures for
first issue; interest
do not pay interest
for 20 years.

(Cap. 25, 55 Vic, 1902)

Made of issue of debentures.

671. The debentures issued to pay for that part of the work payable by local assessment may be issued as a series distinct from those required to pay for that part which is to be borne by the general funds of the City, or all the debentures required for the work may be issued in one series as Local Improvement Debentures. (Sec. 536, Municipal Act.)

Assent of ratepayers to special assessment for law not required.

672. No local improvement by-law passed, making a special assessment for the issue of debentures or for the making of a special assessment, shall require the assent of the ratepayers of the City, but every such by-law shall recite —

Recite.

(a) The amount of the debt which such by-law is intended to create, and in some brief and general terms the object for which it is to be created,

(b) The value of the whole real property rateable under the by-law as ascertained and finally determined as aforesaid. (Sec. 537, Municipal Act.)

Temporary advances and loans.

673. For the purpose of enabling the Council to avoid the necessity of making supplementary assessments or refunding in case of over assessments, and of ascertaining the exact cost of any work or improvement done or constructed as a local improvement under the provisions of this Act, they may and they are hereby authorized and empowered to make agreements with any hawk or any person or body corporate for temporary advances and loans, until the completion of the work or improvement, for meeting the cost thereof, and they may and they are hereby authorized and empowered at their option to make the special assessment for the cost thereof after the work or improvement, as the case may be, shall have been completed and to pass the necessary by-law authorizing the issue of debentures to repay the amount of the temporary loan in advance. (Sec. 538 Municipal Act.)

Time within which special assessments to be paid.

674. Every special assessment by-law shall provide for the payment of the special assessment within the probable life of the work or improvement for which such debt has been incurred, as certified to by the Engineer or other proper officer appointed by the Council for that purpose, in the case of a wooden pavement not to exceed seven years, and in the case of a sewer not to exceed ~~fourteen~~ years. In other cases the time for special assessments shall be in keeping with the life of the improvement for which the debentures are issued or assessment made. (Sec. 539, Municipal Act; Sec. 15, Cap. 25, 55 V.c., 1892, and Sec. 14, Cap. 20, 57 Vic., 1894.)

Certain works may be begun upon roads.

675. Any local improvement or work, in respect of which the local or special assessment is intended to be made only

in the case of a wooden pavement,
when the wood or blocks composing such pavement are
treated with arsenate or some such preservative material, if
laid on a concrete foundation, not to exceed fifteen years."

586 Ed. 118. Chap. 95. Sec. 32. (1906)

(a) The city is hereby authorized to include with the cost of any local improvement for which a special assessment is to be made in addition to the necessary engineering expenses, a sum not exceeding 4 per centum of the actual cost of such work in lieu of and to pay interest upon such cost from the time payments on construction are made until the respective assessment by-laws are passed.

(b) The city may in any year in its special assessment by-laws provide for a rate of interest greater than the rate of interest payable by the city under its debenture by-laws (but such excess shall not be greater than one-half of 1 per centum per annum, to cover the discount on the sale of debentures and to meet the costs of assessment and collection.

687 2d Cir 1971

on those properties fronting or abutting on the street or streets or parts of streets wherein or whereon the improvement is made, may be begun and proceeded with upon resolution of the Council, and after the notice mentioned in section 616 of this Act has been given, and no other preliminary proceedings need be had, but before the collection of the rate to be levied for the expenses not borne by the Council a by-law of the Council must be passed fixing the proportion to be paid upon each of the respective properties or portions of properties, or interest of any nature in said property or any part thereof, and all debts incurred by the Council for the payment of the said work may be issued prior to the commencement, during the progress or after the termination of the said work, and the said debt may, and all proceeds are in and about the issue of the same shall, in all respects be as binding as if the said debentures had been issued and the moneys realised upon them. (Sec 540, Municipal Act)

tion of Council, and notice mentioned in Sec. 616.

576. If, in any case a debt has been incurred by the City for any work or improvement done or constructed under the provisions of the forty-nine last preceding sections and after the incurring of the said debt, the special assessment for such work or improvement or the by-law providing for borrowing money therefore be set aside or rescinded either wholly or in part, on the ground of any irregularity or illegality in the making of such assessment or passing of such by-law, it shall be lawful for the Council, and they are hereby authorized, to cause a new assessment or assessments to be made and to pass a new by-law, as often as may be necessary, to provide funds for the payment of the debt so incurred for such work or improvement. Provided, always, that nothing herein contained shall be construed as authorizing any assessment to be made or work or improvement to be undertaken under the forty-nine last preceding sections except the same be initiated in some one of the four methods following, that is to say —

When special assessments are required for an improvement, the same may be made.

But local improvement and assessment may be initiated.

(a) Either on the report of the Engineer or other sanitary officer and of a committee of the Council recommending the proposed work or improvement for sanitary or drainage purposes, adopted by the Council, or—

(a) report of Engineer or sanitary officer and of Council.

(b) On a petition of the owners of the real property benefited sufficiently signed, or—

(b) petition of owners benefited.

(c) After due notice as above provided of the proposed assessment, and no petition of the owners of the real property affected against the proposed assessment, sufficiently signed, being presented to the Council within the time limited therefor, or—

(c) notice where no sufficient petition against.

On report of health officer, etc., sewer may be constructed as sanitary necessity

(d) The Engineer and Health Officer shall have recommended same as a sanitary necessity, and, if the Council, after the expiration of one month after the publication of the notice mentioned in section 638 of this Act, affirm, by a vote of two-thirds of all members of the Council at a regular meeting thereof that it is desirable and necessary in the public interest as a sanitary necessity to construct, make, enlarge or prolong a sewer or sewers as a local improvement, such work may be proceeded with notwithstanding any proportions, adverse petition. Any persons interested or whose lands may be affected may be heard by the Council in respect to such work. (Sec. 341, Municipal Act, Sec. 13, Cap. 32, 63 and 64 Vic)

Persons whose lands are affected may be heard by Council

Special assessments not to be remitted

677 Upon the coming into force of any by-law making or providing a special assessment for any local improvement the Council shall not have the power to remit the whole or any part of such assessment, and said assessment shall continue a charge upon the lands affected thereby until the same is fully paid. (Sec. 18, Cap. 25, 55 Vic, 1892.)

FREE LIBRARY

Free library

677a The City may pass a by-law to incur and create a debt not exceeding \$15,000, by the issue and sale of debentures of the City, for the purpose of purchasing a site for a public library, such debentures to bear such rate of interest, payable at such times and places as the Council shall direct, and the principal of same to be payable at a time not more than fifty years from the date of the issue of the debentures. Notwithstanding the provisions of this Act the said by-law need not be submitted to a vote of the electors, but when passed by the Council shall in all respects valid and binding.

By-law to provide a public library, etc.

677b The City may pass a by-law to incur and create a debt not exceeding fifty thousand dollars, by the issue and sale of debentures of the City, for the purpose of purchasing a site and erecting, equipping and furnishing a building for the City's Public Library and the necessary offices connected therewith. Such debentures shall bear such rate of interest and be payable at such time and place as the Council of the City shall direct, and the principal of same shall be payable at a time to be fixed by the Council not more than fifty years from the date of issue of the debentures. But such by-law, before being finally passed, shall be submitted to and approved by the electors qualified to vote upon money by-laws under the provisions of this Act in the manner therein provided, but the provisions of this section shall not be acted

2, In the case of a sidewalk of not more than one hundred yards in length the Council may after a notice therefor given under Section 638 & has got by a two thirds vote of all members present at a regular meeting decide to construct such sidewalk and the work may be proceeds with notwithstanding any adverse petition.

445 Ed. on. Cap. 53 Sec 9 (1905)

upon if the money be raised by the City under the following section —

677c. The City may pass a by-law to incur and create a debt not exceeding thirty thousand dollars, by the issue and sale of debentures of the City, for the purpose of equipping and furnishing with books a free public library. Such debentures shall bear such rate of interest and be payable at such times and places as the Council of the City shall direct, and the principal of same shall be payable at a time to be fixed by Council not more than thirty years from the date of issue of the debentures. Such by-law, before being finally passed, shall be submitted to and approved by the electors qualified to vote on money by law, and it shall be deemed to have been approved by the electors if a majority of those actually voting upon the same have voted in favor thereof.

For raising and furnishing public library

677d. The City may pass a by-law to incur and create a debt not exceeding \$15,000, by the issue and sale of debentures of the City, for the purpose of erecting, establishing and furnishing a quarantine hospital (including, if necessary, the purchase of a site therefor). Such debentures shall bear such rate of interest, payable at such times and places, as the Council shall direct, and the principal of same shall be made payable at a time to be fixed by the Council not more than fifty years from the date of issue. Notwithstanding the provisions of this Act such by-law need not be submitted by the Council to a vote of the electors, but when passed by the Council shall be in all respects valid and binding. (See 25, Cap. 32, 63 and 64 V.c.)

Quarantine hospital

SINKING FUND.

678. The sinking fund to redeem the outstanding debentures of the City shall, in each and every year, when received by the Treasurer, be deposited by him in some chartered bank to be designated by the Council to the credit of a special account to be called "The Sinking Fund Account of the City of Winnipeg," and the same shall be invested by three trustees two of whom shall be appointed by the Court of King's Bench or any Judge thereof, on application by the City Solicitor on behalf of the City, and the third by the Council from one of their number, in bonds, mortgage securities or such other good, safe and valuable securities as the said trustees may think best and the said trustees, after their appointment as aforesaid, shall have the power of requiring the said Treasurer to pay from out of such funds

Sinking fund account

Trustees for management of same.

Investments

Representation of Trustees.

so deposited to the special account aforesaid such sum or sums of money as the said trustees shall from time to time require for investment, and any and all sums of money coming into the hands of the said trustees from the present temporary investment of the sinking fund shall be applied in the manner and to and for the purposes above mentioned, which said trustees shall be paid an amount not exceeding five dollars each meeting the number of meetings not being more than twenty during any one year: the Council to find office room, all other costs, charges and expenses, including cost of repairs, collection of rents, legal expenses and clerical assistance, to be paid out of and from the sinking fund, and the said trustees shall, whenever required by the Council, give a detailed statement in writing of the said fund and the manner in which the same is invested, and in no case shall the funds of the sinking fund account be withdrawn without the consent of the said trustees. The trustees appointed under this section or now holding office shall hold office until removed therefrom by the Council or Court in a manner provided for their appointment in this section, and the said trustees shall have as full power and authority to deal with the said sinking fund as the Council could have. (Sec. 556, Municipal Act.)

Powers of Trustees to collect money.

Foreclose mortgages.

Sell the mort- gaged property thereon.

Dealing with property.

Execution of conveyances.

679 The said trustees shall have full power, both at law and in equity, to collect all moneys due upon mortgages or other securities in which portions or all of the said fund have in the past been or may in the future be invested, and may take all steps in regard to the adjustment, enforcement or collection of the same, and shall have full power to foreclose the said mortgages and the parties making the same and all parties having any interest or claim in or to the property or properties secured by the said mortgages, or they may sell the said properties under power of sale or otherwise, and give good and valid title to the same, and the said properties, when foreclosed as aforesaid shall, to all intents and purposes be vested and remain vested in the City, with power to sell and transfer and deal with the same in as full and complete a manner as they could be dealt with by a private individual in his own name: and the said properties may by the trustees and at their direction, be leased, rented, insured, occupied or otherwise dealt with from time to time for the benefit of the said trust fund, and when deeds of conveyance are made, of any or all of the said properties, they shall be signed by not less than two of the said trustees in their official capacity, one of whom shall be the representative of the City, and when payments are made of the said mortgages or any part of the same, or of any other claim in favor of the said fund, the said trustees, or any two of them,

one of whom shall be the representative of the City, shall sign all charges of the said mortgages or parts of the same, ^(Discharges) and in a similar way all other receipts, matters or claims are to be signed by the said trustees, but all such discharges when given are to be given in the name of the City, and all funds coming into the hands or under the control of the said ^(Deposits at funds) trustees for the benefit of the said fund, in manner aforesaid, or in any other manner whatever in the discharge of the said duties as trustees, shall be deposited by them in a distinct and separate account, in some one of the chartered banks of the City of Winnipeg called 'The Sinking Fund Account' and no part of this account shall in any case be withdrawn by them, or by any other person, except upon charge signed as aforesaid, and except for the due carrying ^(Interest) out of the said trust and for the just and proper administration of the same, and it shall be the duty of the said trustees from time to time to invest the said fund or any part ^(Investments) thereof, in bonds, debentures or other good and valuable securities for the advantage of the said fund, and they shall have power to sell assign transfer or deal with the same to the best advantage for the benefit of the said fund, the intention being that in all things and under all circumstances the said trustees shall have full power and authority ^(General powers) to invest and reinvest the said fund or any part thereof, and to collect coupons or transfer assign or in any way deal in regard to the same for the benefit of the said fund, in as full and ample a manner as they could do if acting for themselves in their own names as private individuals, and all acts done by them in the past in regard to the collection ^(Past acts confirmed) of the said mortgages, or the foreclosures or sale of the properties or in and about the same, are hereby ratified and confirmed. (Sec 557, Municipal Act)

580. At all meetings of the said trustees, called by the chairman or in his absence, by either one of the other trustees in the usual way, two of the number shall form a ^(Quorum) quorum, and all acts done or performed for or on behalf of the said trustees by the said quorum shall be as effectual as if done or performed by the three trustees. (Sec 558, Municipal Act.)

581. Said trustees may purchase any of the debentures ^(Trustees may purchase City debentures.) of the City including among others debentures issued for the payment of sinking fund for one or more years for which a rate may not have been levied. (Sec 559, Municipal Act.)

582. The Council, at any time, by resolution, may require ^{(Council may require trustees not to} the trustees not to invest any part of the sinking fund in

Invest sinking fund, and that investments may be called in and paid into sinking fund account

the manner provided in the three last preceding sections, and also that the investments already made be called in and the amount and amounts due thereupon be collected and paid into the sinking fund account of the City, and upon such resolution being carried to the said trustees they shall not make any further investments as aforesaid until rescission of such resolution, but shall proceed to call in and realize upon those already made so fast as the same mature. (Sec. 560, Municipal Act.)

Council authorized to draw interest from said account?

563. In such case the Council shall have no power to withdraw any moneys from said account except as provided in the next following section. Provided that said account may be transferred from one chartered bank to another, and shall be kept in some chartered bank at compound interest. (Sec. 561, Municipal Act.)

Provision.

Sinking fund applied in payment of debentures.

564. The sinking fund which shall be to the credit of the City, as debentures now outstanding shall mature, shall be applied to the payment of the same at the date of such maturity or may be used in the purchase thereof before maturity. (Sec. 562, Municipal Act.)

No law for improving road way to Brookside Cemetery

564a. The City of Winnipeg may pass a by-law to incur and create a debt not exceeding four thousand dollars by the issue and sale of debentures of the City, for the purpose of constructing or contributing to the cost of constructing an improved roadway between the City limits and Brookside Cemetery through the Municipality of Rosser. Said debentures shall bear such rate of interest, and the interest and principal, shall be payable at such times and places as the Council shall direct, and said by-law need not be submitted to a vote of the electors, but when passed by the Council shall be in all respects valid and binding.

No law for paying claims of School Board.

564b. The City of Winnipeg may pass a by-law to create a debt not exceeding the sum of \$52,000, by the issue and sale of debentures, for the purpose of paying several claims accruing due by the City to the School Board for the School District of Winnipeg, Number 1, to enable the School Board to pay off certain debenture indebtedness falling due on or about November, A D 1902, in pursuance of an agreement set out in Chapter 40 of the Statutes of 1898. Said debentures shall be made payable at such places and at such time not exceeding thirty years, with a rate of interest not exceeding five per centum per annum, as may be fixed by the City Council in the said by-law. Notwithstanding any of the provisions of this Act or of "The Municipal Act" such by-law need not be submitted to a vote of the electors, but upon being passed by the Council shall be valid and binding.

CONSOLIDATION OF DEBENTURE DEBT.

685 The Council shall have full power of giving, issuing ^{Consolidation of City debt.} or disposing of bonds or debentures or other instruments of the City, for the purpose of taking up or exchanging for or ^{Issue of bonds.} paying off any bonds, debentures or other securities of the City, as to the Council may seem meet, and shall also have the power to issue the whole or any of such bonds, debentures or other securities at such times and in such amounts ^{By-law need not be submitted to election.} as to the Council may seem meet. The by-law or by-laws from time to time passed for the purposes of this section shall not require to be submitted to the electors for their consent. (Sec. 563, Municipal Act.)

686 Such bonds, debentures or other instruments ^{as to} be issued, may be payable at such time or times as any by-law authorizing the same may provide, not exceeding fifty years, and the by-law may or may not provide for a specific ^{Time of payment of debentures.} sum to be raised annually for the formation of a sinking ^{Sinking fund} fund. (Sec. 564, Municipal Act.)

687 In the event of all or any portion of the bonds or debentures of the City, for the repayment of which the present sinking fund of the City was established, being paid off, taken up or exchanged for new bonds or debentures issued under the provisions of this Act, then the whole of that part of the said sinking fund, in proportion to the amount of bonds or debentures so paid off taken up or exchanged, shall be appropriated to assist in paying off bonds or debentures of the City now existing and in force, or to contribute towards a sinking fund for the repayment of bonds or debentures to be hereafter issued by the City in manner and form aforesaid. ^{a proportion of sinking fund where debt to which it applies are paid off} (Sec. 565, Municipal Act.)

688 ~~The borrowing powers of the City shall be restricted to the sum of three million dollars until the value of the real estate in the City, according to the last revised assessment roll, amounts to the sum of twenty-five million dollars; but the amount of the sinking fund for the time being at the credit of the City shall, to the amount thereof, be considered as a reduction of the debt of the City; the meaning of this section being that, whenever the indebtedness may reach the sum of three million dollars, thereafter, at any time when the said debt may be reduced from any cause to an amount below that sum, the same may again be increased to three millions and no more.~~ ^(Restriction of borrowing powers)

314 Ed in Cap 45 (1903)

STREET RAILWAY COMPANY, ST.

Forest Hill
 10000 N. 100th Ave.
 Minneapolis, MN 55438
 612-766-1111

689. In every case of construction or removal of any kind of pavement upon any of the streets or portions of streets occupied by the Winnipeg Electric Street Railway Company, or on any parts of same, the said Company shall have the option of constructing their portion of any such pavement, proceeding with such construction at the same time as the City's portion is constructed, provided, always that such work shall be the same as that done by the City, or at the Company's request, the City shall construct the same, and in

It considers how
top U.S.
companies in
policy markets
operate.

every case the City shall, assess the annual rate, covering interest and sinking fund, the rate of interest upon debt and upon investment of sinking fund to be the same as charged and allowed to frontage owners and extending over a like period as that upon which the assessment upon the adjacent ratepayers is adjusted, upon the said Company for the use thereof, with full power to the City to raise such sum by a issue of debentures and to collect the same in the manner provided under this Act for the construction of improvements.

1. *Journal of the American Medical Association*, 1997; 278: 1039-1044.
 2. *Journal of the American Medical Association*, 1997; 278: 1045-1050.
 3. *Journal of the American Medical Association*, 1997; 278: 1051-1056.

10 This clause, however, shall not have the effect of
compelling the Company to build or pay for any pavement
which the Company is not liable to build or pay for nor
shall anything herein contained release or relieve the Com-
pany from any and to any present existing under R. L. 543
of the City of Winnipeg, or any future liability under
any contract or statute now in force or which may hereafter
be in force as to construction or paying for pavements.

With the growth
of the company, they
are now

(b) The said request by the Company shall be taken to have been made if the Company, before, with a sixty day after newspaper notice of the intention of Council to undertake a local pavement improvement or for the provisions of this Act, or had not notice of similar intention given to the Company or its proper officer, express in a written notice to the Council its intention to construct its own portion of the pavement, or unless the Company shall have *bona fide* commenced and are proceeding with its part of the pavement to the satisfaction of the City Engineer. In the event of the Company not proceeding to the City Engineer's satisfaction he shall take charge of the construction of the Company's part of the pavement and perform the same at the expense of the City, in which case the City shall assess and the Company shall repay to the City the cost thereof as hereinbefore provided.

Click to learn
more about our
commitment to

(c) The said special assessment shall be treated as taxes, and the City shall have a first lien upon all the assets and

property and franchises of the Company, its successors and assigns, for such assessments, both those which may have at any time accrued due or thereafter are to accrue due, and the City shall have all the rights contained in this Act for the levy and collection of the same from and against the said Company. And further that, notwithstanding the abandonment or cessation of operations or the taking up or removing of any line or lines by the said Company before the expiration of such improvement assessment period, the Company, its property, assets and franchises shall still remain liable for the unpaid and accruing instalments of assessment. And further that in any such case the then present value of said assessments, including any then accrued due on such line or lines shall be due and payable forthwith by the Company to the City and may be collected and levied by the City as if the same were then due as taxes or special local improvement assessments.

Company for collection of assessments

(d) In the case of any petition, for or against a proposed pavement, whether proposed upon the initiative of the City Council or not, the Street Railway Company shall not, in respect of its lines of railway and appliances and cars along or upon any street or streets, be counted as an owner of real property affected, nor shall its rail lines, appliances or cars in any way be taken into account in computing the real property affected.

Company not to be used as owner of real estate.

(e) In case of the Company making default in paying any pavement assessment or assessments upon or in respect of any pavement or pavements, or under any by-law therefor, for a period of eighteen months the whole of the assessments, both those due and those for future years shall be wholly due and payable at the then present value of the whole of said assessments, together with the interest upon the assessments in arrears.

Procedure when Company in default

ALTERATIONS OF STREETS.

690. In the City, as it existed previous to the passing of Chapter thirty-six of the Acts passed in the forty-fifth year of the reign of Her late Majesty Queen Victoria, when alterations are made in any street or thoroughfare a distance less than the width of such street or thoroughfare shall not have the effect of shutting out the owner of any lot formerly fronting on such street or thoroughfare as altered, and the area between the limits of the old street and the corresponding limit of the new street shall be vested in the owner of the lot fronting on the same, and the said owner shall pay to or recover from the said City such compensation as the

A variation of streets.

Compensation

altered position of such lot or lots would render fair and just, and, if the said owner and the said City cannot agree on the amount of such compensation, then the amount shall be determined in accordance with the arbitration clauses of this Act. (Sec. 570, Municipal Act.)

690(a) see on fly leaf

CEMETERIES, PARKS, ETC.

Power to acquire cemetery, park and exhibition sites

691. The Council may pass a by-law or by-laws to acquire by purchase, or by and under the expropriation or arbitration provisions of this Act or otherwise, a sufficient amount of land for the purposes of a cemetery or cemeteries, or park or parks, or a site for an agricultural, industrial or other exhibition, within or without the limits of said City, and the Council may erect such buildings and make such regulations respecting the same as the Council sees fit, and the said Council shall have power to issue debentures to pay for such cemeteries or parks or site for such exhibition and buildings, and to meet the cost of laying out and in providing the same. ~~Such by-law must receive the assent of the electors as provided in section 587 of this Act.~~ And the Council may sell any land held by the City which, in the opinion of the Council, may not be required for cemetery or park purposes or as a site for such exhibition in any manner of sale directed by the Council. (Sec. 571, Municipal Act.)

Debt to be paid for cemetery sites

By-law to provide for the election of electors

Debt to be paid for cemetery sites

Debt to be paid for cemetery sites

See addendum B on fly leaf.

ADMINISTRATIVE, WATER POWER

see as to General to be taken from the on fly leaf in 1910

Power to lease to Administration water power

692. The City is empowered to make available the water power of the Assiniboine River by constructing the necessary dams, locks, canals, gates, waste gates and other works necessary or expedient for the above purposes, and by keeping the same in repair, subject to the provisions of this Act. (Sec. 578, Municipal Act.)

Power to lease to water power

693. The City shall have power to lease to any company or individual the whole or any portion or portions of the said water power for any term of years at any rental to be agreed upon, and shall have power to enforce payment of the rent by distress and otherwise. (Sec. 579, Municipal Act.)

Power to acquire land, etc.

694. The land and buildings which may be necessary for the carrying on or completion of this work may be acquired by the City by purchase or by and under the expropriation and arbitration provisions of this Act, subject to the other provisions of this Act. (Sec. 580, Municipal Act.)

490A. (1) It is hereby declared that the parcel of land marked "S" on a plan of sub-division of lots 48, 49 and 50 of the Dominion Government survey of the Parish of St. Boniface, which plan is registered in the Winnipeg Land Titles Office as No. 170, is, and always has been, since the date of the registration of the said plan, a public street.

(2) Said street is hereby closed, and freed from any easement or right of any person to keep the same open as a street, and the title to the said parcel of land marked "S" is hereby vested in the Ernest Frederick Kohl, of the City of Winnipeg, in the Province of Manitoba, ^{banker}
City of the City of Winnipeg (1907)

4. (a) The city shall have the power necessary to buy, acquire, hold, sell, lease, mortgage, pledge, dispose of, deal in, develop, construct, utilize and operate water power and water power rights, privileges and sites and lands covered by water, or upon which any water power is or may be or be developed, whether within or beyond the limits of the said city, also electrical, steam and all other power of every description, and any interest therein.

(b) To acquire, buy, hold, produce, manufacture, transmit, conduct, supply, sell, lease, pledge, mortgage, deal in and dispose of water, light, heat, electricity and power of every description, and whether generated or produced wholly or partially by or by means of water power, electricity, steam, gas or by any other means, or in any other way for any purposes whatsoever, for which the same may be used.

(c) To acquire, construct, build, equip, maintain, use, operate, produce, hold, sell, lease, mortgage, deal in and dispose of any works, buildings and structures, including dams of any description, basins, conduits, flumes, mains, raceways, tunnels, canals, pipes, wires, cables, towers, poles, mills, factories, shops and any other works, and appliances of every nature and kind necessary, requisite or desirable for any of the purposes aforesaid, or hereinafter mentioned, or for the manufacture and transmission from any one point or place of light, heat, water and power of any or all descriptions, and to lay, place or carry any such conduits, flumes, mains, pipes, wires, cribs, towers, poles and appliances along, upon, under or across any street or highway, and to use such streets and highways therefor.

(d) To construct, carry out, maintain, improve, manage, work, use, operate, occupy and control roads, ways, tramways, bridges, reservoirs, water courses, aqueducts, wharves, furnaces, mills, works, factories, warehouses, yards and any convenience and works, either within or without the limits of the city, which may seem conducive to or be required or desirable for any of the objects or purposes of the city.

(e) To acquire, hold, purchase, lease and sell, mortgage, let, take or expropriate, any real and personal estate which may be necessary and advantageous for the purposes of the city incidental to the exercise of the aforesaid powers and purposes, and to the carrying on of its business in connection therewith, and also such real estate as the city may desire to purchase for parks or pleasure grounds;

(f) To buy, sell, hold and dispose of any invention or inventions or patents and to use or employ any inventions for any of the aforesaid purposes of the city;

(g) And generally to do all acts, matters and things necessary or convenient for the carrying on of the above business or operations, or for the purposes or objects hereinbefore mentioned.

(h) Nothing in this section contained shall affect or impair the rights of the Winnipeg Electric Street Railway Company under sections 623A, 623B, 623C, 623D and 623E.

(i) Any one or more of the powers authorized by this section may, with the consent of the council of any other municipality affected, be exercised in, along, under, over or upon any streets, highways or lanes.

(j) In the event of the city and any other municipality failing to agree as to the terms upon which the city shall be allowed to exercise any of its franchises or rights by this section conferred, there shall be an appeal to the Lieutenant-Governor-in-Council, who shall have the right to determine any dispute and fix the conditions upon which the city may exercise such rights within such other municipality, and grant the necessary consent thereto, and the decision of the Lieutenant-Governor-in-Council in any such case shall be final and binding on all parties.

(b) The several clauses of "The Manitoba Expropriation Act" shall be and the same are hereby incorporated with and shall be deemed to be part of this Act in so far as this section is concerned, and the expression "this Act," when used in this Act, shall be understood to apply and include the clauses of "The Manitoba Expropriation Act" in so far as they can be made applicable, and except in so far as they may be inconsistent with the express enactments hereof.

(1) Any debt or debts that may be necessary to be created to carry out the provisions of this section, except for surveys and incidental expenses, shall be created by a by-law or by-laws to be submitted to the duly qualified electors of the city in the manner provided for the submission of money by laws under this Act.

St. Wm. Inc. Ord. 95 Sec 4 (1906)

(1) In the event of the city and any other municipality failing to agree as to the terms upon which the city shall be allowed to exercise any of its franchises or rights by this section conferred, there shall be an appeal to the Lieutenant

§. The council may appropriate and expend on the road or roads leading to such cemetery or cemeteries, or park or parks, or site for an agricultural, industrial or other exhibition, a sum not exceeding \$10,000 per mile for the construction, repair and maintenance of such road or roads, whether the same be within or without the limits of the city, and in case such road or roads are outside the limits of the city, and the respective municipalities interested are unable to agree as to joint action in such expenditure, the Municipal Commissioner shall determine the proportion of the cost and maintenance that the municipality shall bear through which such road or roads pass, and such sum or sums as shall be awarded shall be paid to the city. - 186 C. 24 Chap 75 Sec 23 (1900)

“Nevertheless the city shall have the power to and may pass a by-law to contract a debt of twenty-five thousand dollars, by the issue and sale of debentures, without submitting such by-law to the electors, but qualified to vote upon such by-law requiring the assent of the electors, for the purpose of providing improvements for the Industrial Exhibition hereinafore referred to. The debentures to be issued thereunder shall be payable at a period to be fixed by the council, not later than fifty years from the date of issue, and shall bear interest at the rate prescribed, and be payable at such times as council may prescribe, and for such purposes the council may or may not prescribe the levy of a fund by way of sinking fund. Said debentures, when issued and sold, shall be a valid and binding charge upon the city.”

187 C. 24 Chap 48. Sec 72 (1907)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows—

1. Section 267 of the said Charter is hereby amended by striking out the words “twenty-four” in the fourth and fifth lines thereof and inserting “forty-eight” in place thereof.

2. Section 503 of said Charter is hereby amended by adding thereto the following, “and for the sale or disposal of all by-products or combinations thereof”

3. Section 619 of said Charter is hereby amended by adding thereto “And the city is hereby empowered to

695. The City shall have power to acquire by purchase or by expropriation as aforesaid all lands which are overflowed by, or otherwise damaged by, or which may in the opinion of the City Council be in danger of being damaged by the overflow of water or other cause arising from the erection of such dams and other works, and this clause shall apply to lands lying outside of the limits of the City as well as to lands within the limits, and the said lands may be by the City thereafter leased or sold if not required for the purposes of the works. Nothing shall be done under this section unless and until the money necessary to pay all damages which may be occasioned by the exercise of such power has been realized from the sale of debentures as hereinafter provided. (Sec. 581, Municipal Act.)

Power to acquire overflowed lands.

Proviso.

696. The City shall have power, by by-law, to appoint three commissioners for entering into contracts for the construction of the above works, for superintending the construction thereof and for managing the works when completed, and, by by-law, to provide for the election of said commissioners by two electors from time to time and at such periods and for such terms as the Council may appoint by the by-law authorizing the election. (Sec. 582, Municipal Act.)

Commissioners to carry out works.

697. In order to raise money to prosecute such work the City shall by by-law have power to create a debt by the issue of debentures, which shall be a first charge upon the undertaking, the lands, buildings, dams, canals, and all other property, rights, tolls, income and franchises thereof. Before the final passing thereof such by-law shall be submitted to a vote of the duly qualified electors in the manner and according to the form prescribed in this Act for the submission of money by-laws. (Sec. 583, Municipal Act.)

Power to borrow money.

By-law must involve a matter of election.

698. The said debentures shall be for such amounts, and payable at such place, and at such times, and at such rate of interest, as the Council shall by by-law fix and determine, and the City shall, in case such debentures be issued, apply the moneys produced from the sale of such debentures to the buying and carrying on of the said works and the acquiring of flooded lands and payment of damages occasioned by the works, and not otherwise. (Sec. 585, Municipal Act.)

Contents of debentures.

Application of moneys.

699. In case debentures be issued, as in the last two preceding sections provided, the tolls, income and rents and other revenue arising from such undertaking shall be first applied in payment of interest on the debentures, and in

Payment of debentures.

providing for a sinking fund, if such fund be by the by-law directed to be provided for. (Sec. 580, Municipal Act.)

City to expend
only moneys
derived from
debentures.

700. The City shall not expend any moneys upon the said works, nor enter into any contract or liability in respect thereto, unless the City has first received the moneys so to be expended from the sale of the debentures above mentioned, or from some company or person to whom the works to be erected are leased or agreed to be leased. Provided that the City may expend a sum not exceeding ten thousand dollars upon any preliminary or other proceedings arising out of or incidental to the works hereby authorized. (Sec. 580, Municipal Act.)

Saving clause

701. Nothing in this Act shall be construed to conflict with the provisions of an Act of the Statutes of Canada enabling the City to utilize the water power of the Assiniboine River. (Sec. 582, Municipal Act, as enacted by Sec. 17, Cap. 32, 63 and 64 Vic.)

Followed by

FIRE COMMISSION.

Fire com-
missioners.

702. The Council may appoint a commission, to be composed of the Mayor, two ex-officio of the Committee on Fire, Water and Light of the Council, and one member of the Winnipeg Board of Underwriters (such member to be appointed by the said board), to inquire into and investigate the origin of fires occurring in the City, the efficiency, promptitude and discipline of the Fire Department, the efficiency and care of the engines and other appliances used for combating fires, the efficiency of the water supply and the provision made for promptly securing same, and other matters relating to the means employed or available for extinguishing fires: and for those purposes, or any or either of them, the said commission shall have power to take the evidence of any person or persons under oath and to report the result of such investigation to the committee of the City Council on Fire, Water and Light, and the said commissioners so appointed shall not be entitled to any personal remuneration for their services as such commissioners. (Sec. 580, Municipal Act.)

BY-LAWS.

SURVEYING AND NAMING STREETS.

703. The City may pass by-laws not inconsistent with the provisions of any Dominion or Provincial statute—

7011a The City may assign and transfer to any person or company subject to the provisions of the Statutes of Canada on that behalf all rights, powers, and privileges conferred upon the City by such Statutes enabling the City to exercise the entire power of the municipality known and also the rights, powers and privileges conferred upon the City by sections 692, 693, 694 and 695 of the said Statutes.

The City shall lease for or to the Council for the supply of power and light for any number of years not to exceed ten years and for the purpose of it be a contract from time to time for persons not exceeding ten years.

(1904)

(1) For surveying, setting and marking the boundary ^{Laying out and naming streets} lines of all streets, roads and other public communications, and for giving names thereto, and affixing such names at the corners thereof, on either public or private property but no by-law for altering the name of any street, square, road, lane or other public communication shall have any force or effect unless and until the by-law has been registered in the Winnipeg Land Titles Office, and a fee of one dollar, for every by-law so registered and for the necessary entries and certificates in connection therewith, shall or payable for such registration. (Sub-sec. (a), Sec. 604, Municipal Act.)

(2) For numbering the lots and houses along the streets ^{Numbering houses} of the City, and for affixing the numbers of the houses, buildings or other erections along the streets, and for charging the owner or occupant of each house or lot with the expense incurred, in the numbering of the same. (Sub-sec. (b), Sec. 604, Municipal Act.)

(3) For keeping (and the City shall make and keep) a ^{Record of streets and numbers} record of the streets and numbers of the houses and lots numbered thereon respectively, and entering thereon and the City shall enter thereon) a division of the streets, with boundaries and distances, for public inspection. (Sub-sec. (c), Sec. 604, Municipal Act.)

CEMETERIES, ETC.

(4) For accepting or purchasing land for public ^{Cemeteries} cemeteries, as well within as without the City, and for laying out, improving and managing the same, but no land shall be accepted or purchased for such purpose except under a by-law declaring in express terms that the land is appropriated for a public cemetery and for no other purpose.

(5) For selling or leasing portions of such land for the ^{Cemetery lots} purpose of interment in family vaults or otherwise, and for declaring in the conveyance the terms on which such portion shall be held.

(6) For preventing the violation of cemeteries, ^{Decorations of cemeteries, etc.} graves, tombs, tomb-stones or vaults, where the dead are interred.

(7) For regulating the interment of the dead and for ^{Regulating interment of the dead} preventing interments from being made within the City.

CENSUS.

(8) For taking a census of the inhabitants, or of the ^{Census} resident male freeholders and tenants in the City. (Sub-sec. (d), Sec. 591, Municipal Act.)

OBTAINING PROPERTY

Acquiring
property.

(9) For acquiring and holding by purchase or otherwise such real and personal property as may be required for use of the City, and for erecting, improving and maintaining a hall and other houses and buildings required by and being upon the lands of the City, and for disposing of such property when no longer required.

Accepting
land for the
vention of
drains,
etc.

(10) For accepting or purchasing any land in any other municipality which may be required for preventing the City, or any part thereof, from being flooded by the surface or other waters flowing from any other municipality into the City, and for providing an outlet for such waters through any other municipality, and for opening, raising, preserving and improving drains, sewers and water courses in the lands so acquired. (Sub-sec. (b), Sec. 603, Municipal Act.)

Acquiring
lands outside
City for
public
purposes.

(11) For acquiring and holding, by purchase or otherwise, for the public use of the City, lands situate outside its limits, and such land so acquired shall form part of the City. (Sub-sec. (c), Sec. 603, Municipal Act.)

Acquiring
lands for
quarry.

(12) For purchasing or otherwise acquiring lands, buildings and premises, as well within as without the limits of the City, for the use and purposes of a quarry or quarries, for entering into an agreement or agreements with any person or corporation for the laying, maintaining and operating of a siding or sidings or railway track or line or tracks or lines connecting such quarry or quarries with any line of permanent railway necessary for the transportation of stone quarried at said quarry or quarries, or any or either of them, as well within as without the limits of the City. Provided that nothing herein contained shall give authority for laying such line or lines along any public highway, or to operate any quarry, except for the requirements of the City. (Sub-sec. (d), Sec. 603, Municipal Act.)

Laying rail-
way track.Track not to
be laid on
streets or
highways.

GENERAL.

Charitable
institutions.

(13) For aiding in maintaining any indigent person belonging to or found in the City at any workhouse, hospital or institution for the insane, deaf and dumb, blind or other public institution of a like character, or for granting aid to any charitable institution or out-of-door relief to the resident poor.

Appointing
officers.

(14) For appointing such constables, poundkeepers, fence-viewers, overseers of highways, road surveyors, road commissioners, valuers and other officers as are necessary in

1. Each person a. may be afflicted with any contagious
or infectious disease, or who are unable through poverty & ill
cause or causes to care for themselves

2. See also Chap. 1, p. 102

the affairs of the corporation or for carrying into effect the provisions of any Act of Legislature, or for the removal of such officers, but nothing in this Act shall prevent any member of the Council from acting without remuneration as commissioner, superintendent or overseer over any road or work undertaken and carried on, in part or in whole, at the expense of the City.

(15) For the appointment of one or more engineers, and ^{Engineers, etc.} also one or more officers or employees of any institution under the charge of the City, and for the remuneration or for the removal of such officers or employees. (Sub-sec. (b) and (c), Sec. 603, Municipal Act.)

(16) For preventing the growth of Canada thistles and ^{Various weeds.} other weeds detrimental to husbandry, and compelling the destruction thereof, for the appointment of an inspector with power to enforce the provisions of such by-law, and for regulating the duties and determining the amount of remuneration, fees or charges he is to receive for the performance of such duties. (Sub-sec. (a), Sec. 598, Municipal Act.)

(17) For regulating the remuneration, fees, charges and ^{Fixing pay of officers.} outlays of all officers and employees of the City and the salary to be given for the performance of such duties, and for appointing the office hours of all such officers and employees of the City. (Sub-sec. (3), Sec. 591, Municipal Act.)

(18) For charging all persons who own or occupy property which is drained into a common sewer, or which by any by-law of the Council is required to be drained into such sewer, with a reasonable rent for the use of the same, and for regulating the time or times and manner in which the same is to be paid. (Sub-sec. (c), Sec. 592, Municipal Act.) ^{Regulated by council or appointed for drainage district.}

(19) For restraining and regulating the running at large ^{Dogs, etc.} in the City, or any described portion or portions thereof, of dogs, and for imposing a tax on the owners, possessors or harbours of dogs, and for punishing selling or killing dogs running at large in contravention of any by-law of the City. (Sub-sec. (c), Sec. 601, Municipal Act, as amended by I Ed. VII, Cap. 23.)

(20) For preventing cruelty to animals and preventing the destruction of birds, the by-laws for these purposes not being inconsistent with any statute in that behalf. (Sub-sec. (a), Sec. 605, Municipal Act.) ^{Prevention of cruelty to animals.}

(21) For preventing children from riding on the platforms of cars or behind wagons or other vehicles, and for preventing accidents arising from such causes. (Sub-sec. (c), Sec. 607, Municipal Act.) ^{Preventing accidents.}

Curfew bell.	(21a) For regulating the time after sunset after which children shall not be in the streets without proper guardianship and the age or apparent age of boys and girls respectively under which they shall be required to be in their homes at the hour appointed, and the Council, shall in all such cases cause a bell or bells to be rung at or near the time appointed as a warning, after the ringing of which the children so required to be in their homes or off the streets shall not be allowed to be anywhere in the City away from their homes except under proper control or guardianship or for some unavoidable cause. Any child found away from home after the time appointed shall be liable to be warned by any constable or peace officer to go home, and if after such warning the child is found loitering in or on any of the streets of the City such child may be taken by such constable to its home. Any parent or guardian who be summoned before the Mayor, Police Magistrate or a Justice of the Peace for permitting for permitting his child or ward to habitually infringe the provisions of such by-law after having been warned in writing, and may be fined for the first offence \$1.00 and for the second offence \$2.00 and for the third or any subsequent offence \$5.00, with costs in each case. (1 Ed. VII, Sec 23, Chap. 23.)
Penalty	

PUBLIC SAFETY AND COMFORT.

Immoderate driving or riding on streets, etc.	(22) For regulating the driving and riding of horses, mules and other animals in streets, highways and public bridges, and for preventing racing, immoderate or dangerous driving or riding thereon
Bicycles	(23) For preventing and regulating the use of bicycles, tricycles, motor or autocars, and other vehicles not drawn by horses.
Bicycle paths.	(24) For setting apart so much of any street as the Council may deem necessary for the purposes of a bicycle path.
Prohibition of bicycle paths.	(25) For providing that if a person rides or drives a horse or other beast of burden or any cattle, or a wagon, carriage or cart along or across (except at the usual street crossings) a bicycle path, hereafter or heretofore set apart by by-law, he shall incur the penalties hereinafter prescribed for violations of provisions of the by-laws of the City (Subsec. (r), Sec. 605, Municipal Act.)
Lights, scaffolding, etc.	(26) For inspecting and regulating the construction and erection of lights, scaffolding and other constructions used in the erecting, repairing, altering or improving of buildings, chimneys or other structures and for making all necessary regulations for the protection and safety of workmen and other persons employed thereon, and for appointing inspectors of scaffolding, but none of the provisions of said

arranged used for him

(1925)

(28) For regulating the erection of buildings, verandahs and other structures external to buildings;

For preventing and prohibiting the erection of wooden buildings, structures partly of wood, partly of canvas, felt or other light materials, tents and other similar structures, or additions thereto or alterations thereof, and of wooden fences, in specified parts of the city.

For limiting the height of buildings, and for varying such height for different classes of buildings with a view to safety from fire; and for the said purposes to classify buildings and to vary regulations according to the materials to be used and the character and method of construction;

For prescribing and regulating, as to buildings to be erected within specified parts or limits of the city, the relative height, character and thickness of the main walls thereof (including the foundation walls), the number of partition or dividing walls, the thickness thereof, and the kind or character of materials to be used in any and all building walls, and for prohibiting and preventing or regulating the use in such buildings of wooden joints, beams, rafters and studding, for varying such regulations and conditions in respect of buildings less than four stories in height.

For providing that within those parts or limits of the city, within which wooden buildings are prohibited, buildings not exceeding a certain prescribed height and size may be erected with external walls of brick-veneer or wood, with a prescribed exterior cover of metal or plaster, such building to be placed upon a prescribed foundation;

For prescribing and regulating the number and character of water stand-pipes and the necessary appliances in connection therewith, to be placed and maintained in or on all buildings of four or more stories in height in specified parts or limits of the city;

For regulating and preventing additions to and the repairing of existing buildings within such specified parts of the city, and any alteration of the walls, roofs, partitions and floors thereof, with a view to safety from fire, and for providing that, if the repairs necessary to any building, on account of dilapidation, injury by fire or other cause, shall equal a certain specified proportion or percentage of the actual value of the existing building, such repair shall be considered a re-erection thereof, and may be altogether prohibited and prevented by the building inspector or other duly authorized officer of the city.

For providing that no building, wall or other structure which, by reason of accident, damage by fire or other cause, is in danger of falling, or being set on fire, or which endangers the surrounding property or the lives of citizens, shall be maintained, occupied or allowed to exist within the city, and that if, in the opinion of the inspector of buildings or other duly authorized officer of the city, any such building, wall or other structure is so maintained, occupied or allowed to exist, such inspector or other officer as aforesaid may give notice as prescribed by by-law to the owner, occupier, agent or person in charge of any such building requiring him to at once put the same in a safe condition, to guard against fire or dangerous accident, or to pull down and demolish the same, and that, in the event of any such owner, occupant, agent or person in charge neglecting or refusing to comply with the said notice, according to the terms thereof, such inspector or other officer may cause any such building to be put in a safe condition to guard against fire or dangerous accident, or to be pulled down or demolished, as may by him be deemed expedient or necessary, and that the cost of putting any such building or other structure in a safe condition or pulling down or demolishing the same may be recovered by the city by summary process at law, and shall also be a lien upon such building and the materials thereof and upon the lot or parcel of land upon which the same is or was erected, and the said cost, when certified by such inspector or other officer to the city tax collector, shall be entered in the collector's rolls next prepared after the receipt of such certificate, and collected in the same manner as the ordinary municipal rates of the city.

For requiring that a permit to erect or repair (as the case may be) any building within the city shall be obtained from the building inspector, or other officer duly authorized, before proceeding with the work of erection or repair, and for providing that on the application for such permit there shall be submitted or filed a copy of the plans and specifications of such building or of such proposed repairs, sufficiently indicating the character of the work proposed, such plans to include provisions for compliance with the City Charter and the by-laws of the city in regard to sanitary and other matters; the foregoing clause shall extend to the repair of existing buildings as well as to the repair of buildings hereafter erected.

For providing for the inspection of all buildings during the progress of erection or repair by the inspector of buildings or other duly authorized officer;

For preventing the occupation of any building which in the opinion of said inspector or other officer has been erected or repaired in contravention of the regulations and provisions prescribed by the City Charter and by by-law.

For authorizing the complete or partial pulling down, or removal, at the expense of the owner thereof, of any building or erection or such part thereof as may, in the opinion of said inspector or other officer, be constructed, repaired or placed in contravention of any by-law, and providing that the cost of same may be certified to the tax collector and be added to the taxes on the land occupied by such building and collected as other taxes;

For appointing a committee of members of the council to hear and determine appeals from the decisions of the inspector of buildings or other officer performing like duties, as to the issue of permits, the prevention of erecting or repairing or of occupation of buildings alleged to have been erected or repaired in contravention of any by-law or by-laws and the pulling down or removal of such buildings, the decisions of such committee, upon all such appeals, as to matters within the jurisdiction or authority of a by-law, shall be final;

For making regulations as to the character and position (with regard to walls, roofs and floors) of furnaces, engines and stoves, flues, pipes and chimneys for heating, steam, power or other purposes.

There shall be no inconsistency with "The Workmen's Compensation for Injuries Act" so far as same provides for the regulation of scaffolding, hoistings or other structures.

(47) For regulating the construction, operation and safety of towers, hoists and cranes, determining the manner in which such towers, cranes and hoists shall be worked, whether automatically or otherwise, and for providing for the construction and safety of cranes and hoists for rearing the masts and rigging of sailing ships, cranes and elevators. ^(cranes, hoists, elevators, etc.) Sections 41 and 42, Chap. 21, Cap. 21, City of New York.

(48) For regulating the erection of buildings, ^(erection of buildings) ~~and the construction and alteration of buildings~~, for preventing and prohibiting the erection of wooden buildings or additions thereto, or alterations thereof, and of wooden frames, in specified parts of the City, for preventing the erection or placing of buildings thereon with iron roofs of brick, iron or stone, with roofing of insectivorous materials, within a specified area of the City, for preventing that within certain areas of the City within which wooden buildings are prohibited, buildings not exceeding a certain prescribed height and size can be erected with exterior walls of brick, veneer or wood with a plastered exterior covering of metal or plaster and sooting to be placed upon a plastered foundation, for regulating and preventing the removal of existing buildings without regulations and the alteration of the roofs or exterior walls thereof with a view to safety from fire, and for providing that no building or other structure which is reason of age, accident, damage by fire or other cause is in danger of falling or being taken down, enlargement the adjoining property or the view of the street, shall be maintained, occupied or allowed to exist within the City, and that if in the opinion of the Inspector of Buildings or other duly authorized officer of the City any such building or other structure is so maintained, occupied or allowed to exist, such Inspector of Buildings or other officer as aforesaid may notify the owner, occupant, agent or person in charge of any such building to at once put the same in a safe condition, to guard against fire or dangerous accident, or to entirely pull down and demolish the same, as in such notice such Inspector of Buildings or other officer may direct, and that in the event of any such owner, occupant, agent or person in charge neglecting or refusing to comply with the said notice according to the terms thereof the City may cause any such building to be put in a safe condition to guard against fire or dangerous accident, or to be entirely pulled down or demolished, as may be deemed expedient or necessary, and that the cost of putting any such building or other structure in a safe condition or pulling down or demolishing the same may be recovered by the City ^(cost of repair or demolition)

by summary process at law, and shall be a Lien upon the building so put into a safe condition or pulled down or demolished and upon the lot or parcel of land upon which the same is or was erected, and may be collected in the same manner as the ordinary municipal rates of the City are collected. (Sec. 21, Cap. 24, 42 and 63 Vic., 1899.)

Building line. (29) For regulating the distance within specified areas from the street line of any lot or property in front of which a building or structure shall not be placed. (Sec. 22, Cap. 24, 62 and 63 Vic.)

Levels of cellars. (30) For ascertaining and compelling owners, tenants and occupants to furnish the Council with the levels of the cellars already dug or constructed, or which may after the passing of the by-law be dug or constructed, along the streets of the City, such levels to be with reference to a line fixed by by-law.

Construction of buildings. (31) For compelling to be deposited with an officer to be named in the by-law, before commencing the erection of any building, a ground or floor plan of such building, with the levels of the cellars and basements thereof, with reference to a line fixed by by-law. (Sub-secs. (e) and (f), Sec. 604, Municipal Act.)

Inspector of buildings, his appointment and powers. (32) The Council may appoint an Inspector of Buildings (who may or may not be an architect), and may provide by by-law that he shall exert so all the powers and authorities contained in "The Public Buildings Act" of the architect or other officer referred to in the eleventh section of said Act. (Sec. 18, Cap. 20, 60 Vic.)

Railway crossings. (33) For regulating and controlling railway companies within the City, for enforcing the construction and management of gates, culverts and cattle guards on the lines of said railways at the crossing of any street or streets in the City, and for enforcing the opening and continuing of any street or streets across the line of any railway track, and for enforcing the construction and maintenance of ditches across and along the line of railway. (Sub-sec. (g), Sec. 597, Municipal Act.)

Public buildings. (34) For regulating the size, structure and number of doors in churches, theatres and halls, or other buildings used for places of worship, public meetings or places of amusement, and the street gates leading thereto, and also the size and structure of stairs and the stair railings in all such buildings, and the strength of beams and joists and other supports, the gradient of floors and aisles in, and stairways of and to, such buildings, the walls separating lobbies and stairways from the auditorium, and separating the auditor-

Contributed to us by op. freely outside 17

2. $\lim_{t \rightarrow \infty} \|x(t) - x^*\| = 0$ if and only if $\lim_{t \rightarrow \infty} \|x(t) - x^*\| = 0$.

run from the stage and the method of lighting the auditorium and stage, and providing for an automatic roof ventilator and for fixed stand pipes and other fire appliances in such buildings. (Subsec. (j) See 597, Municipal Act.)

(35) For preventing the obstruction of the halls, aisles, ^{Regulating means of egress from public buildings.} passage ways, doors or approaches in any such building or leading thereto during the occupation of the same by the public assemblage. (S. 4, Cap. 42 See 18, Ord.)

(36) For regulating the size and strength of walls, beams, joists, rafters and roofs and their supports, in any building to be erected or repaired or added to within the City, and for compelling the production of the plans of buildings for inspection and for enforcing observance of such regulations. (Subsec. (b), Sec. 607, Municipal Act.) ^{Size and strength of walls.}

(37) For requiring and compelling the construction and maintenance upon all buildings of three or more stories in height a means or means for escape in case of fire, namely, fire escapes or platforms, fire escapes, fire escapes, platforms and stairs, and for prescribing the construction, character, size, number, method of construction and all other details in connection therewith for the more efficient protection against fire, for the better means of suppressing same, and for the safety of persons occupying or using in any such building and for requiring that in all buildings wherein labor is employed there shall be provided sufficient escape ways and stairways or other means of egress in case of fire for the protection of persons employed in any such building. (Subsec. (a), Sec. 607, Municipal Act.) ^{Fire escapes.}

(38) For the inspecting and regulating of electrical generators and motors and of all overhead, underground and interior wires and apparatus for conducting electric current for heat, light, power or other purposes and for prescribing the appliances, devices and precautions deemed necessary for the safety of operatives and of the public for fixing the usual materials or methods of installation and conducting inquiries to satisfy for prescribing methods and appliances for insulating wires and connections and cutting off electrical currents, and such regulations generally respecting electricity and electrical appliances as shall be deemed necessary for the safety of persons and property and for enforcing and all such regulations; for appointing one or more electrical inspectors who shall have the right to enter upon the premises of persons, firms or corporations at all reasonable times and for causing the removal of unsafe or dangerous electrical appliances. (Subsec. (c), Sec. 607, Municipal Act.) ^{Installation of electric motors, generators, etc.}

(38a) For licensing and regulating the erecting, placing, maintaining or using poles upon the streets or lanes of the ^{Regulating and licensing}

the erection of
telegraph
poles.

City by or for any company doing a telegraphic business of any kind. Provided that in no case shall the annual license fee to be charged, together with any taxes chargeable under this Act, be greater than \$300 per annum. Provided, however, that any by-law passed under the foregoing shall not affect, impair or take away any right or rights which any company or corporation has, possess or is entitled to by virtue of any statute, by-law, contract or agreement. (Sec. 13, Cap. 33, 58 and 59 Vic.)

Regulating
position of
electric wires.

(39) For regulating the position of wires used for conveying electricity and for making provisions for the protection of life and property in the use thereof. (Sub-sec. (7), Sec. 597, Municipal Act.)

Electric
wiring, etc.

(40) For regulating and licensing persons engaged in the installation of electric wiring or other work in buildings, other than the power house of incorporated lighting and street railway companies for examining into the qualifications and fitness of such persons, and for requiring a bond for the safe and thorough performance of duty in compliance with regulations. (Sec. 17, Cap. 24, 62 and 63 Vic, 1899.)

By-laws to
provide for
new police
and fire
stations, etc.

(40a) To raise money and to create a debt or debts by the issue of debentures for the purpose of providing the cost of suburban police stations, a police patrol and signal service, and for outside or suburban fire stations and for a fire alarm system. Such by-law or by-laws, before coming into force, shall be submitted to a vote of the duly qualified electors in the manner now provided in this Act for the passing of money by-laws and the proceedings thereat shall be the same as in said Act, but the said by-law or by-laws shall be deemed to have been carried if a majority of the electors actually voting thereon have voted in favor thereof. (Sec. 24, Cap. 32, 63 and 64 Vic.)

Fire depart-
ment.

Rewards for
bravery at
fires.

(41) For appointing fire engineers and firemen, and promoting, establishing and regulating fire companies and property saving companies. For providing medals or rewards for persons who distinguish themselves at fires, and for granting pecuniary aid to, or otherwise assisting, the widows and orphans of persons who may be killed while in the discharge of their duties at fires or who may die from injuries received or from sickness contracted while in the service of the City as firemen. Sub-sec. (a) and (f), Sec. 594, Municipal Act.)

Protection
against fire.

(42) For causing buildings and yards to be put into a safe condition to guard against fire or other dangerous risk or accident. (Sub-sec. (1), Sec. 595, Municipal Act.)

There is no fire

1. The first of these is the fact that the

2. The second of these is the fact that the

(45a.) For compelling the owners and persons in charge ^{Abatement} of control of manufactories, stationary engines or boilers to ^{smoke} have such chimneys or other apparatus as sha. consume ^{offense.} the smoke thereof, or prevent the same from fouling the atmosphere or being carried by the wind or otherwise to other shops, houses or premises to the inconvenience or injury of the citizens. *576 Ed. M. Cap. 45 Sec 8 (1906)*

(43) For preventing or regulating the use of fire or lights ^{Use of fire and lights} in stables, cabinetmakers' shops, carpenters' shops and combustible places (Sub-sec (g), Sec 595, Municipal Act)

(44) For preventing or regulating the carrying on of ^{Dangerous undertakings, etc.} manufactories or trades dangerous in causing or promoting fire, and for regulating and within certain defined areas preventing the keeping of lumber and wood yards (Sub-sec. (h), Sec. 595, Municipal Act)

(45) For preventing and for removing or regulating the ^{Stoves, chimneys, etc.} construction of any chimney, flue, fire-place, stove, oven, boiler or other apparatus or thing which may be dangerous in causing or promoting fire.

(46) For regulating the inspection, sweeping and cleaning ^{Sweeping of chimneys, etc.} of chimneys, for appointing inspectors and chimney sweeps and fixing their fees, and for enforcing the payment of the same, or for requiring the consent of the Council or a committee or officer thereof before setting up any boiler, steam engine or other apparatus dangerous in causing or promoting fire (Sub-sec (c), Sec. 595, Municipal Act)

(47) For regulating the mode of removal and safe keeping ^{Ashes} of ashes, for regulating and enforcing the erection of party walls, and for compelling the owners and occupants of ^{Party walls} houses to have scuttles in the roofs thereof, with approaches or stairs or ladders leading to the roof (Sub-secs. (j), (j) ^{Scuttles to roofs.} and (k), Sec. 595, Municipal Act.)

(48) For requiring the inhabitants to provide so many ^{Fire buckets} fire buckets in such manner and time as may be prescribed, and for regulating the examination of them, and the use of them at fires. (Sub-sec (m) Sec 595, Municipal Act)

(49) For authorizing appointed officers to enter at all reasonable times upon any property, subject to the regulations ^{Fire inspectors} of the Council in order to ascertain whether such regulations are obeyed, or to enforce or to carry into effect the same.

(50) For making regulations for suppressing fires and for pulling down or demolishing adjacent houses or other erections where necessary to prevent the spreading of fire. ^{Prevention of fires.}

(51) For regulating the conduct and enforcing the assistance of the inhabitants present at fires, and for the preservation of property at fires. (Sub-secs. (n), (o) and (p), Sec. 595, Municipal Act.) ^{Maintaining order at fires.}

(52) For regulating the times during which stumps, trees, logs, brush, grass, straw, shavings or refuse may be set on fire or burned in the open air, and for prescribing precautions to be observed during such times, and for preventing such ^{Burning refuse}

fires being kindled at other times. (Sub-sec. (a), Sec. 595, Municipal Act.)

Storing and
transporting
explosives, etc.

(53) For regulating the keeping and transporting of explosive, inflammable and dangerous materials and, without limiting the general effect of the foregoing, amongst others, such articles as follows: Gunpowder, gun cotton, dynamite, nitro-glycerine and their derivatives and compounds, petroleum, rock oil, coal oil, water oil, crude oil, burning fluid, naphtha, benzole, benzine, kerosene and their products, for regulating and providing for the support, by fees, of magazines for storing any of the said articles mentioned or included in the foregoing power, for compelling persons to store therein, for acquiring land, as well within as without the City, for the purpose of erecting such magazines, and for selling and conveying such land when no longer required therefor. (Sub-sec. (d), Sec. 595, Municipal Act.)

Magazines.

Acquiring
lands for

Enclosing lots.

(54) For causing vacant lots to be properly enclosed. (Sub-sec. (a), Sec. 604, Municipal Act.)

Lawful fences.

(55) For setting the height and description of lawful fences, and for regulating the kind of, and the height, description and manner of maintaining, keeping up and laying down, fences along highways or any part thereof, and for making compensation for the increased expenses (if any) to persons required so to maintain, keep up or lay down such last mentioned fences or any part thereof. (Sub-sec. (d), Sec. 597, Municipal Act.)

Division
fences.

(56) For regulating the height, extent and description of lawful division fences, and for determining how the cost thereof shall be apportioned, and for directing that any amount so apportioned shall be recovered in the same manner as penalties not otherwise provided for may be recovered under this Act. (Sub-sec. (e), Sec. 597, Municipal Act.)

Regulating
barbed wire,
etc., fences.

(57) For preventing, regulating and removing barbed wire, buckthorn and other similar fences along or near streets and highways. Sub-secs. (f) and (d), Sec. 605, Municipal Act.)

Water gates at
sewer
crossings.

(58) For compelling the owners of lands, through which any open drain or water-course passes, to erect and keep up water gates where fences cross such drain or water-course, and for preventing persons obstructing any drain or water-course.

POUNDS AND POUNDKEEPERS.

Pound and
pound
keepers.

(59) For providing sufficient yards and enclosures for the safe keeping of such animals as it may be the duty of the

1. A number of persons are coming to the
 2. ...
 3. ...
 4. ...
 5. ...
 6. ...
 7. ...
 8. ...
 9. ...
 10. ...

Id. at 45 (Dec. 13, 1993).

poundkeeper to impound. (Sub-sec (d), Sec 601, Municipal Act.)

(60) For allowing, restraining and regulating the running ^{Impounding stray animals.} at large or trespassing of any animals, geese and poultry, and providing for the branding them, and for causing them to be sold in case they are not claimed within a reasonable time, or in case the damages, fines and expenses are not paid according to law, and for appraising the damages to be paid by the owners of animals impounded for trespassing contrary to law, and such by law may or made applicable to the whole or any part of the City. (Sub-sec. (e), Sec. 661, Municipal Act.)

(61) For determining the compensation to be allowed for ^{Poundage.} services rendered in carrying out the provisions of this Act or any by law of the City passed in pursuance thereof with respect to animals, geese and poultry impounded or detained and detained in the possession of the entrainer.

(a) Provided that, in any case where mules, horses, sheep, ^{Publication of notice of sale.} swine or cattle are impounded, the poundkeeper with whom they may be impounded, before he shall have the right to sell. The same, shall immediately cause to be inserted in an issue of *The Manitoba Gazette* a notice describing the animal or animals impounded, the age as nearly as possible, sex and color, with brand or any mark of identification, which notice may be as follows:—

City of Winnipeg, Pound No.

Form.

Impounded on the _____ day of _____, 19____,
(kind of animal and number of same), color _____,
age _____ (brand or mark of identification.)

Poundkeeper.

(b) The fee to be paid for the insertion of such notice shall be one dollar, which shall be transmitted to the King's Printer with said notice.

(c) The Clerk shall keep *The Manitoba Gazette* on file in ^{Clerk to keep Gazette on file.} his office.

(d) Said animals, geese or poultry, when not claimed, shall remain in pound for thirty days before sale. ^{Sale after 30 days.}

(e) When such animals so impounded are sold, by reason of not being claimed, the proceeds thereof, after deducting expenses, shall be handed to the Treasurer to be retained by him in special account for one year, when, if not claimed, they shall then go to the general funds of the City. ^{Proceeds of sale to be handed to Treasurer.}

**Prond by-law
to be given to
poundkeeper**

(f) The City shall deliver to each poundkeeper appointed a copy of the Prond By-law and of the provisions of this Act respecting pounds and poundkeepers. (Sub-sec. (j) to (n), Sec. 601, Municipal Act.)

**Notice of
strays to be
given to Clerk**

(g) It shall be the duty of the occupant of any premises, on which any stray cattle or horses may be for a period of two weeks with the knowledge of such occupant, to notify the Clerk, either personally or by mail, describing such animal or animals as nearly as possible, giving the age, sex and color with brand or any mark of identification, and attach to the duty of the Clerk to keep a record of all such stray animals, with such description as may be furnished him, and to give such information to any person who may make inquiry, either personally or otherwise, regarding the same, and such Clerk shall be at liberty to charge a fee of twenty five cents for every search in such register. In case any such occupant shall neglect to notify the Clerk in the manner herein provided immediately at the expiration of the said period of two weeks, he shall be liable to a fine upon summary conviction of a sum not to exceed ten dollars. (Sub-sec. (2), Sec. 601, Municipal Act.)

Record

Fee

**Liability by
owner**

(62) For having the right to recover damages for any injury done by any cattle, horses or sheep trespassing upon land or for the trespass to fences in which the land is enclosed by a fence of the nature, kind and height required by the by-law. (Sub-sec. (o), Sec. 601, Municipal Act.)

**Detention
until damages
paid**

(63) For preventing persons from taking animals, geese and poultry out of pounds without first paying all damages and costs for which the poundkeeper has a right to detain such animals. (Sub-sec. (g), Sec. 601, Municipal Act.)

TREES.

Trees planted by

(64) For expending money in planting and preserving shade and ornamental trees upon any public place, square, highway, street, road, lane, alley or other communication within the City, and for granting sums of money to any person or association of persons to be expended for the same purposes. Sub-sec. (q), Sec. 593, Municipal Act.)

INJURY TO PROPERTY

**Preventing
injury to
property.**

(65) For preventing the injuring or destroying of trees or shrubs planted or preserved for shade or ornament, and for defacing of private or other property by printed or other notices. (Sub-sec. (r), Sec. 593, Municipal Act.)

(66) For preventing the pulling down or defacing of signs, ^{Defacing signs.} boards or of printed or written notices lawfully affixed. (Sub-sec. (1), Sec. 509, Municipal Act.)

PUBLIC MORALS AND DECENCY.

(67) For preventing the posting of indecent placards, ^{Obscene writings or pictures.} writings or pictures, or the writing of indecent words, or the making of indecent pictures or drawings on walls, fences or other places. (Sub-sec. (a), Sec. 594, Municipal Act.)

(68) For preventing vice, drunkenness, profane swearing, obscene, blasphemous or grossly insulting language and other immorality and indecency, and for preventing persons carrying on their ordinary trades, callings or occupations on Sunday and the violation of the Sabbath Day, and the interfering with, preventing or desecration of religious ceremonies. ^{Prevention of vice etc., and violation of the Sabbath day.}

(69) For suppressing disorderly houses and houses of ill-fame. ^{Disorderly houses, etc.}

(70) For suppressing gambling houses and for seizing and destroying any faro bank, rouge et noir and roulette tables, and other devices for gambling found therein. ^{Gambling houses.}

(71) For restraining and punishing vagrants, mendicants ^{Vagrants.} and persons found drunk or disorderly in any street or in any hotel, saloon or other house of public entertainment in the City.

(72) For preventing indecent public exposure of the person and other indecent exhibitions, and disorderly and indecent behavior, and for preventing the exhibition, sale or offer for sale of any indecent or lewd book, paper, picture, plate, drawing or other thing, and the exhibition of any immorals, or indecent show or exhibition and the performance of any indecent, immoral, lewd play or other performance. ^{Indecent exposure.} (Sec. 594, Municipal Act.)

PUBLIC HEALTH.

(72a) To incur and create a debt not exceeding ^{\$1,000,000} \$25,000, by the issue and sale of debentures, for the purpose of purchasing a site for and erecting and equipping a building for a public bathing place. Such debentures shall bear such rate of interest, payable at such times and places, as the Council of the City shall direct, and the principal of same shall be payable at a time to be fixed by the Council not more than fifty years from the date of issue of the debentures; but each, before being finally passed, shall have been submitted to and approved by the electors qualified to vote upon money by-laws under the provisions of this Act in the manner therein provided. (Sec. 28, Cap. 22, 63 and 64 Vio.) ^{To provide public baths.}

- Bathing.** (73) For preventing or regulating the bathing or washing of the person in any public water in or near the City (Sub-sec. (g), Sec. 594, Municipal Act.)
- Bread.** (74) For preventing the use of deleterious materials in making bread and for providing for the seizure and forfeiture of bread in contravention to the law (Sub-sec. (h), Sec. 598, Municipal Act.)
- Adulterated milk and food.** (75) For preventing the sale of adulterated milk or other adulterated articles of food (Sub-sec. (i), Sec. 607, Municipal Act.)
- Water supply.** (76) For establishing, protecting and regulating public wells, reservoirs and other conveniences for the supply of water, and for making reasonable charges for the use thereof, and for preventing the wasting or polluting of public water (Sub-sec. (b), Sec. 596, Municipal Act.)
- For compelling the covering of wells.** (77) For compelling or regulating the enclosing or covering up of all wells that are open or insufficiently guarded in the City by the owners or occupants of the land whereon such wells are situate, and in case of non-compliance and where the owner or occupant makes default have the same done by the City, and for assessing against and levying upon such and the cost thereof (Sub-sec. (a), Sec. 599, Municipal Act.)
- Slaughter houses.** (78) For designating or specifying such place or places within the City for the slaughter of cattle, sheep, lambs, hogs, and other animals usually used for food, and to compel every and all persons to use such places for that purpose, and for building slaughter-houses. Provided that nothing herein contained shall be held to authorize the Council to require any person or persons, before the twenty eighth day of May A.D. 1886 owning and using or occupying any place or building as a slaughter house or place for the slaughter of any of the said animals, to cease to use or occupy the same as such or for that purpose or to compel such person or persons to use any other place or building for such purpose, but in case of every such building or place so owned, used or occupied before the said date the authority of the Council shall only extend to the passing of and enforcing of by-laws to ensure the proper fitting up and use of such building or place in such a manner that it shall not be a nuisance or injurious to the health of the citizens, and to prevent the rebuilding or making additions thereto. (49 Vic., c. 52, s. 349, s.a. 87.)
- Tainted Food.** (79) For seizing and destroying all tainted and unwholesome meat, poultry, fish or other articles of food, for appointing inspectors and providing for the inspection of milk, meat, poultry, fish and other natural products offered for

Further provisions to
regulate purity
of milk and
cream sold in
city

Who may
prosecute

And for prescribing and establishing a standard for milk and cream sold, offered for sale or delivered within the city, and for compelling persons selling, offering for sale or delivering milk or cream within the city to furnish to any health officer, inspector or employee of the health department samples of such milk or cream. In each and every case of prosecution for violation of said by-law or by-laws, action may be instituted by the health officer, inspector or one of his deputies, or any party aggrieved, notwithstanding anything contained to the contrary in "The Manitoba Dairy Act" or any amendments thereto.

657 1/2 in Chap 48 Sec 73 (1907)

2-2-2 9 2
6-2-2 1 1 2
2000 2 1 2
Established and maintained

2 2
2 2 2 2 2
2 2 2 2 2
(1901)

sale for human food or drink, whether on the streets or in public places or in shops, for providing that said articles may be inspected at abattoirs, slaughter houses, places of storage or in public or other conveyances; for providing that, in case meat, of which no inspection was made at the time of slaughter, is offered for sale and the pleural surfaces are found to have been wholly or partially removed, the said meat shall be presumed to have been diseased, and proof that the same was not diseased shall be upon the owner or person offering the same for sale; for providing sanitary regulations for the care of meat and other articles of food while in conveyance or transit from place to place, and for providing that all meat offered for sale in the City, and not previously inspected at an abattoir, is to be brought to a central office or place for inspect on and stamping. But no such regulations shall impose a market fee or liability (except inspection) on any articles exempt from same under this Act

Inspection of food offered for sale.

When inspection may be made.

Inspection of meat.

Sanitary regulations for care of meat, etc.

No fee to be charged.

(80) For compensating the owners of glandered horses destroyed on the order of a veterinary surgeon under the powers given him by law

Compensation for glandered horses.

(81) For compelling the use of water, provided by the water works of the City for drinking and domestic purposes, within certain areas to be defined by law, and for prohibiting the use of spring and well water within such areas for such purposes. (Sub-sec. (6) Sec. 540, Municipal Act, Ont.)

For compelling use of water supply

(82) For preventing or regulating the erection or continuance of slaughter houses, gas works, tanneries, distilleries or other manufactories or trades which may prove to be nuisances, including the keeping of cattle and swine and the maintenance of cattle byres or piggeries, and for inspecting and regulating dairies, stables, cow byres and piggeries. (Sub-sec. (c) and (h), Sec. 533, Municipal Act.)

Slaughter houses, gas works, etc. erection of

Byres, etc. on the lot.

(83) For the removal of manure and other refuse, and to provide for the inspection of stables and outhouses. (Sub-sec. (e), Sec. 533, Municipal Act.)

Removal of manure, etc.

(84) For preventing, or regulating the erection or continuance of abattoirs. (Sub-sec. (u), Sec. 533, Municipal Act.)

Abattoirs.

(84a) For preventing and abating public nuisances.

Public nuisances.

(85) For authorizing the seizure of unslaughtered cattle, sheep, calves and hogs which have died on any railway car or on any market, or within the City, in order to prevent

Seizure of cattle with for human food, etc.

such animals from being used as food and for disposing of the carcasses of such animals in such a way as not to produce any harm to the public health and to secure to the owner and value as remains over and above the expenses incurred in disposing of such carcasses. (Sub-sec 3, Sec 550, Municipal Act, Ont.)

By 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

146. For licensing, inspecting and regulating vendors of milk for supplying cows and regulating their keeping, and for inspecting and regulating the stables and enclosures wherein are kept the cows from which milk is obtained for sale or use in the City, whether such stables or yards in which cows are situated or kept within the City or not, and for inspecting and regulating the keeping and methods of carriage of such milk, and for licensing or regulating any business. Any such by-law may provide that compliance with all or certain specified regulations may be licensed by the certificate of the health officer or veterinary inspector shall be a condition precedent to the sale of a license. Provisions may also be made in any such by-law for licensing, licensing and issuing of permits to any person who reports to the health officer, or to any of them, whether favourable to the issue of a license or not, by the Council or a committee of the Council. The Council may also provide for receiving reports or objections from the continuance of any license granted under the authority thereof and upon proof satisfactory to itself or a committee, as may be prescribed by by-law, that the regulations are not complied with, any such license may be cancelled or revoked. Any such by-law relating to cows, milk, persons carrying or other conveyances and all receptacles for milk in cows whose milk is intended for use in the City and all cattle kept with such cows shall be subject to inspection as prescribed by the Council at any and all times during the presence of an applicant for and continuance of a license. All cattle in the City, whether milk cows or not may be inspected by such officers if required by by-law. Any person bringing any cattle into the City may be required to report same to such officer as the Council may appoint so that such cattle may be inspected. What is known as the tuberculin test, as well as any other test satisfactory to the health officer may be employed in making any of the inspections aforesaid. Where a person, owner or cattle dealer, dealer or cow keeper makes an addition of not exceeding three cows or cattle to a herd already inspected, the Council may provide that such cows or cattle be brought by the owner or other person in charge to some named place in the City there to be inspected. Provisions may be made for the separation from healthy animals of cows or cattle in which tuberculous or other infectious disease exists or is detected and for preventing or regulating the use of milk or

Provisions and regulations relating to the inspection of the stables and enclosures.

Which and other matters may be inspected.

To be inspected.

Inspection of milk.

and to have the same right to sue back or recover
damages for imposing its demands for thereof.

Wm. H. W. Case & Son 1 1900.

other food product from such latter animals; for destroying animals suffering from disease as aforesaid and, in the discretion of the Council, for making full or partial compensation to the owners of animals destroyed under the authority of a by-law (Sub-sec. (i), Sec. 593, Municipal Act.)

(97) For providing for the inspection of cattle brought into the City for sale or otherwise; for providing that such cattle shall be taken to a designated place or places in the City for such inspection and that immediate notice of the arrival of such cattle shall be given to the Veterinary Inspector, and for providing that if such cattle be found to be diseased or unfit for human food the same may be forthwith destroyed by the City.

Inspection of cattle brought into the city
Notice to be given to the Inspector
Destruction of diseased cattle

(98) For providing that certificates issued by a veterinary surgeon, who, under the directions or in the employment of the Government of Canada, has made any tuberculin or other test and showing the results thereof, may be accepted in lieu of a report by the Municipal Veterinary Inspector for all the purposes referred to in the clauses of sub-section 86 of this section (Sub-sec. (v), Sec. 593, Municipal Act.)

Domestic veterinary inspectors' certificates of test may be accepted

MARKETS, ETC.

(99) For establishing markets and stock-yards and for regulating the same.

Markets, etc.

(100) For the purchase of and the establishing, protecting and regulating, public weigh scales and necessary conveniences for weighing cattle, hay and other articles, and for making reasonable charges for the use thereof.

Public weigh scales

(101) For regulating the weight of loaves of bread, and for seizing or forfeiting bread or other articles when of light weight or short measurement.

Weights of loaves of bread

(102) For regulating the buying and selling of articles or animals exposed for sale on the public market in the open air.

Open markets

(103) For preventing criers and vendors of small wares from practicing their calling in any of the public markets, public sheds and vacant lots in the City adjacent to the market.

Stalls here

(104) For preventing the forestalling or monopoly of market grains, wood, meats, fish, fruits, roots, vegetables and provisions of all kinds, and for preventing and regulating the purchase of such things by hucksters or runners within the City.

Forestalling

- Weighing coal, etc.** (95) For regulating the mode of measuring or weighing, as the case may be lime, slungies, lath, cordwood, coal or other fuel, and for imposing a reasonable fee therefor, and for regulating the sale of said articles.
- Light weight.** (96) For imposing penalties for light weight, or short count, or short measurement, in anything marketed.
- Stalls for rent of market stalls.** (97) For selling, after six hours' notice, butcher's meat distrained for rent of market stalls.
- Inspectors of weights and measures.** (98) For appointing inspectors to visit all places wherein weights and measures or weighing machines of any description are used.
- Changing and abolishing markets.** (99) For changing the site of any market place within the City, or to abolish any market or markets now in existence or hereafter to be in existence in the City.
- Market clerks.** (100) For determining and regulating the powers and duties of the market clerks and all other persons employed by the City in and about the said markets.
- Market fees.** (101) For imposing, regulating and fixing the rates to be paid by any person or persons selling or retailing any article of food in or at any of the markets in the City, and for regulating the conduct of all persons buying or selling in or at any of the said markets.
- Market vehicles.** (102) For regulating vehicles of any kind in which any articles shall be exposed for sale in any public market or in any street within the City, and for regulating the size and style of wood racks.
- Regulating sale of meat, etc.** (103) For regulating the place and manner of selling and weighing meat, vegetables, fish, hay, straw, fodder, wood and farm produce of every description (except grain), small wares and all other similar articles exposed for sale and the fees to be paid therefor.
- Preventing sale by retail in the streets.** (104) For preventing or regulating the sale by retail, in the public streets or vacant lots adjacent thereto, of any meat, vegetables, hay, fruit, small wares and other similar articles.

SANITARY MEASURES.

- Public health, contagious diseases.** (105) For providing for the health of the City against the spreading of contagious or infectious diseases.
- Cellars, sinks, water closets, etc.** (106) For regulating the construction of cellars, sinks, water closets, privies and privy vaults and cesspools, and for compelling and regulating the manner of draining, clearing, cleansing and disposing of the contents of the same. (Subsec. (d), Sec. 593, Municipal Act.)

(108a.) For defining and regulating the style and kinds of receptacles for slops, garbage, manure and other refuse that shall be provided by owners, lessees, occupants or agents of premises.

Sub Ed III Chap 95 Sec 11 (1906)

(108a.) For requiring the owners, contractors or workmen engaged in the erection and construction of buildings or public works to provide proper closet accommodation in connection with such buildings or public works, to the satisfaction of the health officer.

Sub Ed III Chap 95 Sec 12 (1906)

(111a) For providing that the city may, by its servants, agents or workmen, enter into and upon the lands and premises of any person or corporation for the purpose of removing at the expense of the city the intercepting or cess house trap or traps which may be upon such lands and premises and to do all things necessary to leave the plumbing system in good repair.

Sub Ed III Chap 48 Sec 81 (1907)

the intercepting house traps.

(107) For compelling or regulating the filling up, drain^{filling up and} ing, clearing, altering, reaving or repairing of any grounds,^{drainage} yards, vacant lots, cellars, private drains, sinks, cesspools and privies, and for assessing the owners or occupiers of such grounds or yards or of the real estate on which the cellars, private drains, sinks, cesspools or privies are situated, with the cost thereof if done by the Council on their default. (Sub-sec. (b), Sec. 606, Municipal Act.)

(108) For making any other regulations for sewerage or^{sewerage} drainage that may be deemed necessary for sanitary purposes. (Sub-sec. (c), Sec. 606, Municipal Act.)

(109) For regulating, cleaning, repairing, amending, alter^{cleaning of} ing, working, deepening, contracting, straightening, divert^{drains and} ing or amending the drains and sewers and any natural^{sewers} water courses in the City, and to prevent the incumbering of the same in any manner, and to protect the same from encroachment and injury, and also to determine the course of all natural water courses passing through private property in the City, and to regulate all matters concerning the same, whether the said water courses be covered or not. (Sub-sec. (a), Sec. 606, Municipal Act.)

(110) For regulating the licensing of plumbers and to de^{licensing of} fine their duties, for limiting the duration of or revoking^{plumbers} any such license, and to fix the annual fee to be paid for such license.

(111) For making regulations governing the construction,^{installing} alteration, the sizes, materials and arrangement of pipes, traps and all other details of plumbing and for the filing in the Engineer's office of plans of all plumbing intended to be done, made or constructed in the City, and for the inspection of plumbing and work connected therewith.

(112) For regulating or preventing the incumbering, in^{preventing} juring or fouling, by animals, vehicles, vessels or other means,^{incumbering in} of any public wharf, dock, slip, drain, sewer, river or water,^{public places} or any road, street, square, alley, lane, bridge or other communication. (Sub-sec. (a), Sec. 523, Municipal Act.)

(113) For preventing persons from throwing any dirt, filth,^{prevention on} carcasses of animals or rubbish on any street, road lane or^{highways} highway.

(114) For regulating and licensing scavengers and cham^{scavengers,} ney sweeps, and for fixing and enforcing the payment of such^{etc.} rates as may be allowed to them for their service, and to define their duties. (Sub-sec. (p), Sec. 608, Municipal Act.)

(114a) For establishing and regulating a scavenging sys^{scavenging} tem under the control and direction of the Council, by officers^{of streets, etc.} to be appointed by the City, and for providing for the cost

of time, either at the cost of the City or of the ratepayers by special local assessment or by both, and for making and enforcing regulations for the cleanliness of the City. (Subsec. (d), Sec. 600, Municipal Act.)

Removal of garbage, night soil, etc. (114b. For providing that all garbage, refuse, night soil and other offensive matter shall be removed from lands and premises in the City at such times as the Council shall determine, that such removal shall be made by or under the direction of the Council, by contract or otherwise as may be determined, for charging and providing for the collection of reasonable compensation for such removal. The collection of such charge or compensation may be enforced by suit at law before any Court of competent jurisdiction or by distress and sale of the goods and chattels of the owner or occupant of such lands and premises or of any goods in his possession wherever the same shall be found within the City, or any goods and chattels found on the premises of the property of or in the possession of any other occupant of the premises. Such distress and sale shall be conducted in the same manner as provided by this Act for distress and sale for arrears of City taxes, and the costs and charges shall be those payable to the City under the County Court Act. Provided that the attempt to collect such charge by any process herebefore mentioned shall not in any way invalidate the lien upon such premises hereinafter mentioned. Such charge shall be and constitute a lien upon the lands and premises from which such garbage, refuse, night soil or other offensive matter was removed until paid, and may be collected and such Lien enforced in the same manner as the payment of ordinary City taxes is collected and enforced.)

Removal to be under direction of Council.

Charges for removal.

Collection.

Distress.

Costs.

Lien.

Lavatories, urinals, etc. in streets. (115. For providing and maintaining lavatories, urinals and water closets and like conveniences, in situations where the Council deems such accessories to be required, either upon the streets or elsewhere, and may apportion the same with water and may defray the expense thereof and of keeping the same in repair and good order. (59 Vic. c. 51, s. 37, Ont.)

Dwellings on narrow streets. (116. For regulating the erection or occupation of dwellings on narrow streets, lanes or alleys, or in crowded or unsanitary districts. (55 Vic. c. 49 s. 496, Ont.)

Drains and sewers. (117. For opening, making, preserving, improving, maintaining, repairing, altering, diverting, stopping up and putting down drains, sewers or water courses within the jurisdiction of the Council and for entering upon, breaking up, taking or using any land in or adjacent to the City in any way necessary or desirable for the said purpose and for entering upon, taking and using any land in or adjacent to the City for the purpose of providing an outlet for any drain,

(116A). "For housing, regulating, controlling and prohibiting lodging houses or other places where sleeping accommodation is let for hire, or where rooms or sleeping apartments are rented, and for prescribing the number of cubic feet of air space that shall be allowed for each occupant in such places, or the sleeping apartments thereof."

186 Ed. 14 Chap. 95 Sec. 14 (1906)

sewer or water course, or for the purpose of carrying off through private property any water on a public highway and for making all necessary connections therewith, but subject always to the payment of compensation to persons who may suffer injury therefrom and to any restrictions and liabilities imposed by this Act in that respect or otherwise. (Sec. 13, amendment, Municipal Act, 1 Ed. VII.)

(118) For charging all persons who own or occupy property which is drained into a common sewer or which by any law of the Council is required to be drained into such sewer, with a reasonable rent for the use of the same and for regulating the time or times and manner in which the same is to be paid.

Permit to enter or occupy for drain age into sewers.

PUBLIC SAFETY AND COMFORT

(119) For directing the removal of door steps, porches, railings, projecting or advertising signs, of whatever material composed, or of any erections or obstructions projecting into or over any street, lane, public highway, park, wharf, dock, slip, drain, sewer, river or water or the banks or shores thereof at the expense of the proprietor or occupant of the property connected with which such projections are found. (Sub-sec. (k), Sec. 583, Municipal Act.)

Preventing obstructions.

(120) For regulating the removal of buildings and structures on or across the streets, and for licensing and regulating horse rovers or persons engaged in the business of moving buildings or structures on along or across the streets.

Removal of buildings along streets.

House-rovers.

(121) For establishing a system, under control of the Engineer, of making and refilling excavations in paved, macadamized or planned streets or in or on sidewalks, whether such excavations be for the purpose of putting in sewers or laying gas or water pipes, or for making connection with same from houses or buildings, and for the doing or making of all or any of said work or excavations by the City, and for assessing the company, person or persons for whom any such connections may be made with the cost of the same.

Excavations in streets, etc.

(122) For causing persons to remove all snow and ice from the roofs of the premises owned or occupied by them and to remove and carry away all snow, ice and dirt and other obstructions from the sidewalks, streets and alleys adjoining such premises, and also to provide for the cleaning of sidewalks and streets adjoining vacant property, the property of non-residents and all other persons who, ~~Eight months~~ ^{four} ~~months~~ neglect to clean the same, and for removing and cleaning away all snow and ice and other obstructions from such sidewalks and streets at the expense of the owner or occupant in case of his default, and, in case of non-payment, for charging

Removal of snow, etc.

ing such expenses as a special assessment against such premises, to be recovered in like manner as other municipal rates. (Sub-sec (b), Sec. 605, Municipal Act)

2 addendum to the law

Telegraph, telephone and electric light poles, etc

(123) For regulating the erection and maintenance within the City of telegraph or telephone poles and wires and electric light and power poles and wires: to order such poles to be removed and such wires to be placed under ground or otherwise: and also to order, after giving one year's notice to such effect, any corporation or the consent of any licensee, permit or privilege for the erection of telegraph or telephone or electric light and power poles and wires thereon, to remove such poles and place all wires under ground: or otherwise, and, in default of compliance with such order, any license, permit or privilege granted to any such corporation shall be forfeited and cancelled and the officers of the City may cut down and remove such poles and wires. (Sub-sec (c), Sec. 605, Municipal Act)

2d ed., Sec 1

Street sweeping and watering

(124) For assessing the citizens residing on any particular street, or in any section of the City in any sum or sums necessary to meet the expense of sweeping and watering the said street: Provided that not less than two-thirds of the said citizens, residing as aforesaid, in such said street or section, shall have first prayed or demanded to have the same swept or watered.

Street lighting

(125) For providing for the lighting of the City by electricity, gas or gasolene, or in such other manner as may be expedient, and providing for the cost thereof

Public bridges

(126) For regulating public bridges

Public traffic

(127) For regulating the conveyance of traffic in the public streets, and the weight of tires and wheels of all vehicles used for the conveyance of articles of burden, goods, wares or merchandise and for regulating the style and form of shoe to be worn by horses driven on the streets, and for exempting the horses and wagons of farmers conveying the products of farms from places outside the City from the provisions of such by-laws.

Width of carriage, style of horse shoe

Driving on sidewalks

(128) For preventing the leading, riding or driving of horses or cattle upon sidewalks, boulevards or upon such portions of the streets as the by-laws of the City may designate.

Driving with out bells in winter

(129) For preventing horses or mules in harness, during the winter season, being driven without bells, and for preventing horses or other animals being left at large or standing on any of the streets of the City without being sufficiently secured to prevent them running away

1121a. To loan and create a debt from time to time by the issue and sale of debentures, for the purpose of the construction of a conduit or conduits on streets and lanes as the city may deem advisable for the purpose of passing telegraph, telephone, electric light and electric power wires or cables underground, and for compelling the owners or lessees of squares of any ^{the city} ~~streets~~ ^{the city} ~~streets~~ ^{streets} or electric light and electric power wires to use ~~such~~ ^{the city} ~~conduits~~ ^{conduits}, at a point to be designated by the city and any such squares, lanes or squares cannot agree to such a conduit shall be deemed an obstruction. The amount to be appropriated and to be expended in the manner provided by the ordinance may be of the extent and shall be determined by the fair market value of the square in such cases as occurred or required in the wires or cables of any such squares, lanes or squares. The debentures issued in reference to shall bear interest of interest, payable at such times and places, as the council of the city shall direct, and the principal of the same shall be payable at the time fixed by the council, not more than fifteen years from the date of the issue of the debentures, by such terms and conditions before being issued shall be submitted to and passed by the electors, as provided for in this charter. Provided, however, that any conduit or conduits constructed in pursuance of any law or by laws in that behalf may be enlarged or extended at any time by the council without a law being submitted to the electors and any debentures issued for the enlargement or extension of a conduit or conduits shall be valid and binding upon the city.

Construction of conduits for underground wires

the city

the city

Debt to be paid by the city

the city

the city

68 Cal 48 Sup 48 Cal 70 (1907)

And further for the city, if it deems necessary or desirable to remove and clear away all structures, not as a other obstructions from the streets and lanes and alleys of the city and to charge the expenses of such removal as a special assessment upon the real property adjoining to the frontage thereof to be recovered in like manner as other assessments.

Removal of structures from the city

68 Cal 48 Sup 48 Cal 70 (1907)

(130) For authorizing and for assigning stands for vehicles ^{Tray and} kept for hire on the public streets and places, and for authorizing the erecting and maintenance of covers, stands or ^{booth stands} booths in the streets for the protection and shelter of the ^{drivers of} drivers of such vehicles. ^{Provision} Provided that no such booth or cover shall be placed or maintained without the previous consent of the owner or lessee of the property fronting the siting or adjoining such stand or booth.

(131) For preventing common begging or persons in the streets importuning others for loans or aid in money, or deformed or maimed or diseased persons from exposing themselves or being exposed on the public streets to excite sympathy or induce help or assistance from general or public charity.

(132) For regulating or preventing the ringing of bells (except church and school bells), blowing of horns, beating of drums, shouting and other noises in streets calculated to disturb or annoy the inhabitants.

(133) For preventing or regulating the firing of guns or other fire-arms, and the firing or setting off of fireworks, squibs, crackers or fireworks, and for preventing charivaries, and other like disturbances of the peace. (Sub-sec. (a) Sec. 603, Municipal Act)

(134) For preventing persons on streets or other public places from importuning others to travel in or employ any vehicle or go to any place or hear any voice or for requiring persons to call by name for advertising the market of business to be employed at any time and place by any hotel, and for licensing and defining the parts of the City within which such persons may be so employed. (Sub-sec. (q), Sec. 605, Municipal Act)

(135) For preventing and regulating the use or occupation of a part of the streets and avenues erecting buildings or structures of any kind the character of the scaffolding to be used, and the fences and barriers to be kept up for the protection of the public during building operations, and for requiring a cash deposit or other security against damage or injury to the highways or other property of the City arising from same. (Sub-sec. (c) Sec. 605, Municipal Act)

(136) For authorizing the construction of any street railway or tramway upon any of the streets within the City, and for regulating and governing the same, and for fixing the rates to be charged thereon. (Sub-sec. (f), Sec. 605, Municipal Act)

(137) For providing that each street car propelled by electricity shall be equipped with a fender or guard of a pat-

term and kind suitable for the protection of the public, and for making any regulation in this behalf and cable as well to cars now in operation on existing lines of street railway, as to cars hereafter to be installed if operated. (Sec 24, Cap. 24, 62 and 63 Vic.)

**Timber, etc.,
on road
allowance.**

(138) For preserving or selling timber, trees, stone, sand or gravel on any allowance or appropriation for a public road.

**Selling road
allowance.**

(139) For selling the original street to the parties next adjoining whose lands the same is situated, when a public road has been opened in lieu of the original street and for the site or line of which compensation has been paid and for selling in like manner to the owners of any adjoining land any street legal & stopped up or altered by the Council, and, in case such parties respectively refuse to become the purchasers at such price as the Council thinks reasonable, then for the sale thereof to any other person for the same or a greater price.

Sidewalks.

(140) For setting apart so much of any street as the Council may deem necessary for the purposes of a footpath or sidewalk and for imposing penalties on persons travelling thereon on horse back or in vehicles.

**Adding roads
in adjoining
municipality.**

(141) For granting aid to any adjoining municipality for making, opening, maintaining, widening, raising, lowering or otherwise improving any highway, road, street, bridge or communication passing from or through an adjoining municipality.

**Aid to any
municipality
for roads outside
city limits.**

(142) For granting aid to any municipality in opening, making, maintaining, widening, raising, lowering or otherwise improving any highway, road, street or bridge outside of the City.

VARIOUS TRADES, ETC.

**Transient
traders and
hawkers.**

(143) For licensing, regulating and governing transient traders and other persons, who are or are not residents of the City, who occupy premises in the City for temporary periods and who may offer goods or merchandise of any description for sale in auction or in any other manner, conducted by themselves or by a licensee, agent or otherwise, or from out of railway cars or while in railway cars or otherwise. The expression "transient traders" in this paragraph shall extend to and include any person commencing in the City any kind of business in this paragraph referred to who has not resided in the City for a period of at least three months next preceding the time of commencement by him or her of such business therein.

**Transient
traders, applica-
tion of
expression.**

(144) For licensing, regulating and governing all persons-licensed tables-
 who, for hire or gain, directly or indirectly, keep or have in
 their possession or on their premises, any billiards, pool or
 bagatelle table, or who keep a billiard or bagatelle table, in a
 house or place of public entertainment or resort, whether
 such billiard or bagatelle table be used or not and for fixing
 the sum to be paid for a license to have or keep such billiard
 or bagatelle table and the time such license shall be in force.

(145) For limiting the number of and regulating victual-
 ling houses and taverns at houses where fruit, ashers or victu-
 als are sold to be eaten, stewed, and all other places for re-
 ceiving a refined want or entertainment of the public, and for
 licensing the same and for fixing the rates for such licenses,
 not exceeding each indiv. dollars per annum.

(146) For requesting and obtaining all licenses, opera-
 licenses, joint licenses, common halls, public halls and places of
 public meetings, and for enforcing payment of the license fee
 for securing and sale of all articles or chattels within the same
 or for such other remedies as may be expedient. Provided
 that the annual license fee for such years shall not exceed
 \$1000. (See 14, Cap. 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000)

(146) For preventing or regulating and licensing exhibi-
 tions of wax work, theatrical companies, menageries, circus
 riding and other such like shows and exhibitions by show-
 men, and for requiring the payment of license fees for such
 exhibitions the same, not exceeding five hundred dollars per day,
 except in the case of theatrical companies, upon which a
 license fee of not more than ten dollars per day may be im-
 posed, and for imposing fines on persons infringing such li-
 censes, and for leaving the same by distress and sale of the
 goods and chattels of such showmen or other persons liable
 or delinquent to or used with such exhibition, whether owned
 by such showmen or other persons or not, or for imprison-
 ment of such offenders for any term not exceeding one
 month.

(147) For licensing suitable persons to keep intelligence
 offices for registering the names and residences of, and giving
 information to or procuring servants for, employers in want
 of domestics or laborers, and for registering the names and
 residences of, and giving information to or procuring em-
 ployment for domestics, servants and other laborers desiring
 employment, and for fixing the fees to be received by the
 keepers of such offices, for the registration of such intelli-
 gence offices, for limiting the duration of or revoking any
 such license, for prohibiting the opening or keeping of any
 such intelligence office within the City without license, for
 fixing the annual fee to be paid for such license. (Sub-sec
 (9), Sec. 408, Municipal Act.)

Trading
stamps, etc.
merchandise.

(147a) For licensing, controlling and governing all persons, firms and corporations engaged in the business of issuing to retail merchants trading stamps, trading checks, gifts or coupons for delivery to their customers with goods sold, and all such gift enterprises with like objects, and for fixing the sum to be paid for such license the same not to exceed \$5,000 for every year (Sub-sec. (a), Sec. 15, Cap. 23, 1 Ed. VII.)

Merchandise
using trading
stamps, etc.

(147b) For licensing, controlling and governing all persons, firms and corporations using, in connection with their retail business, and giving to purchasers of their wares and merchandise trading stamps, trading checks, gifts or coupons as an inducement to purchase, and for fixing the amount of such license the same not to exceed \$500 for every year (Sub-sec. (a), Sec. 15, Cap. 23, 1 Ed. VII.)

Places of
amusement.

(148) For preventing or regulating and licensing exhibitions to be held or kept for any (or profit) showing amusements and other places of amusement — *from exhibiting amusements in windows* (page 73)
also see on this last

Licensing
merchandise.

(149) For licensing, regulating and governing auctioneers and other persons selling and putting up for sale goods, wares, merchandise or effects by public auction, and for fixing the sum to be paid for every such license, and the time it shall be in force, and for preventing the granting of such license to any applicant who is not of good character or whose premises are not suitable for the business, except in the case of other streets in which, in the opinion of the Council, it is not desirable that the business of auctioneering should be carried on, such qualification to be determined by such means as the by-law provides.

Licensing
hawking.

(150) For the licensing, regulating and governing hawkers, petty chapmen and other persons carrying on petty trades, or who go from place to place or to other men's houses on foot or with any animal carrying or drawing any goods, wares or merchandise for sale, and for fixing the sum to be paid for a license for exercising such carrying within the City and the time it shall be in force.

Controlling,
etc., various
kinds of
business.

(151) For controlling, regulating and licensing telegraph and telephone companies, telegraph and telephone offices, butcher shops and butcher stalls, and insurance companies and offices in the City, skating and roller rinks, and all other kinds of business, industries or callings carried on or to be carried on within the City, also commercial travellers selling goods, merchandise or any effects whatsoever, or offering the same for sale by sample cards, specimens, or otherwise, for or on account of any retail merchant, retail manufacturer or other person selling direct to the consumer, not having his prin-

Preventing or
suppressing
slot machines,
etc. (143a.) For preventing, regulating, controlling and acce-
ing all slot machines, automatic pianos or other similar
devices placed in stores, hotels, restaurants, eating houses,
lodging houses, billiard rooms, pool rooms, parks or any other
place or places where the public are admitted.

576 Ed. in. Chap. 95 Sec. 12. (1906)

"Scissors graders, sign carriers, sign painters, hose cleaners and wood sawyers using power other than manual, horse dealers, coal and wood dealers, ice dealers and window cleaners, bootblack and boot polishers and their stands and places of business and also news stands in hotels or other public places not being a railway station and news vendors other than those employed by a railway company exclude for the business of a tax company, if such railway company is liable to pay taxes under 'The Railway Taxation Act' or if the property of such company is exempt from taxes under any by-law or by-laws of the city, and also advertising wagons or other advertising vehicles, boarding houses and convalescers."

67 Ed. 44 Cap 48 Sec 34 (1907)

the foregoing provisions of section 11 of the act of 1905 are not applicable to the business of a tax company, if such railway company is liable to pay taxes under 'The Railway Taxation Act' or if the property of such company is exempt from taxes under any by-law or by-laws of the city, and also advertising wagons or other advertising vehicles, boarding houses and convalescers."

(1905)

"the foregoing provisions of section 11 of the act of 1905 are not applicable to the business of a tax company, if such railway company is liable to pay taxes under 'The Railway Taxation Act' or if the property of such company is exempt from taxes under any by-law or by-laws of the city, and also advertising wagons or other advertising vehicles, boarding houses and convalescers."

3 Ed. 44 Cap 48 (1903)

principal place of business in the City, and for collecting license fees, either remuneration for the same, and for controlling, regulating and licensing commercial travellers, whether acting for themselves or as agents for any other person or corporation, and who take orders for any goods or for any finished articles, whatever, which are or are to be manufactured or completed in some place inside the City, by any retail merchant, manufacturer or other person or corporation not having within its principal place of business in the City

(152) For regulating "junk" stores or shops and second-hand stores and shops, and for fixing the sum to be paid for a license to take or keep such junk store or shop or second-hand store or shop, and in that such license shall be in force, for regulation, transacting or keeping accounts of the transactions of the keepers of such junk and second-hand shops or stores, their assistants and assistants, customers, and the making of records of all transactions to the police, and for inspection of goods and second-hand goods and for fixing the hours during which such places may be kept open

Junk stores
and second-
hand shops.

(153) For licensing and regulating pawnbrokers, prescribing the method of making entries of pawnbrokers' transactions in proper books, the giving of tickets or receipts for goods pawned, for reports of all transactions to pawn or purchase to the Mayor or police, for inspection of books and goods, for preventing the pledging of goods being belonging to a wife, and for preventing persons under the age of sixteen years being employed in the office or business of a pawnbroker, for cancellation of pawnbrokers' licenses by the Police Committee, and generally for regulation of all matters incidental to the business of a pawnbroker

Pawnbrokers.

(154) For regulating and licensing bill-posters

Bill posters.

(155) For regulating and licensing as to keeping of licenses the owners of livery, feed and sale stables, and of horse-cabs, carriages, rickshaws, cabs, hackney carriages and other vehicles used for hire and for various purposes, and for establishing the rates of fares or charges to be taken and for enforcing the payment thereof, and for prohibiting the granting of a license to any applicant either as owner or driver of any cab, carriage or other vehicle used or intended to be used for hire if such applicant be not of a good character and a fit and proper person for such business, such qualification or disqualification to be determined in such means as the by-law prescribes, whether in the discretion of the Council or committees thereof, or by the decision of an officer or officers to be appointed by the Council

Licensing
livery, stables,
cabs, etc.

Inspecting of
licenses

(156) For Licensing and regulating the owners and keepers of stores, hotels, shops and other places where tobaccos, cigars

Regulating
sale of tobacco

or cigarettes are sold by retail, and for preventing the sale of tobacco, cigars or cigarettes to children under the age of fourteen years, except on a written order of the parent, guardian or employer of the child (Sub-sec (n), Sec 608, Municipal Act.)

Licensing
showboats
and newsboys

(157) For regulating and licensing boys to act as shoe-blacks and newsboys, and to prevent girls from following said occupations.

157 pas. 1, (c), d) in an By Law
GENERAL

Wharfs, etc

(158) For making, opening, preserving, altering, improving and maintaining public wharfs, docks, ships, shores, rivers or waters and the banks thereof (Sub-sec (l), Sec. 593, Municipal Act.)

Free public
library.

(159) For establishing, managing and maintaining a free public library, and for appointing and changing from time to time a committee which may be partly composed of persons not members of the Council, to manage the same, and for appropriating and expending each year such sum as shall not exceed the amount of one fourth of one mill on the dollar of the total assessment of the City in the purchase of books, magazines, papers and furniture, and the salaries and the expenses of management and maintenance. (Sec. 22, Cap. 23, 56 Vic., 1893.)

Joint works

(160) For entering into and for forming any arrangement with any other Council for executing, at their joint expense and for their joint benefit, any work within the jurisdiction of the Council.

Local ferries

(161) For the regulation, establishment and maintenance of ferries wholly within the City and subject to the jurisdiction of the Legislature of Manitoba and for the granting of exclusive privileges therein for any term not exceeding ten years, upon such terms and conditions as to rates of ferrage and management as shall seem best.

Stopping or
leaving road
allowance

(162) For the stopping up, leasing or sale of any original allowance for road, or any part thereof, within the City, and for fixing and declaring therein the terms upon which the same is to be leased, sold or conveyed, but no such by-law shall have any force unless passed in accordance with section 709 of this Act.

*(63) See in By Law
Sec 709 a sec for By Law*

ENFORCEMENT OF BY-LAWS.

Enforcement
of by-laws by
fine, distress,
imprisonment,
etc.

704. The City may also pass a by-law or by-laws for inflicting reasonable penalties not exceeding \$50, in addition to costs, for breach of any of the provisions of the by-laws of the

**Thyroiditis in
autoimmune disease**

157a. For licensing and regulating all persons dealing in stone, lime, sand, cordwood, hay or straw, who are not assessed under section 862a of this Act.

Institute for
Developmental Studies, LLC

157c. For licensing, regulating and governing hospitals or institutions for the treatment of imbeciles or for treatment of those given to other excesses, private hospitals and lying-in hospitals.

Abstract

167n. For licensing, regulating and governing land and estate agents, railway agents, book agents, detective agents, and all other persons carrying on business as agents of any kind whatsoever, and for prohibiting the granting of such license to any applicant who is not of good character

6/7/74
6/7/74

617 Ed Mr Cap 48 Soc 37 (1907)

Residue of Hancock 100

City for collecting such penalties and costs by distress and sale of the goods and chattels of the offender; for inflicting reasonable punishment by imprisonment, for any period not exceeding twenty-one days, for breach of any of the by-laws of the Council in case of non-payment of fine inflicted for any such breach and there being no distress found out of which such fine can be levied except for breach of any by-law or by-laws for the suppression of houses of ill-fame, for which the imprisonment may be for any period not exceeding six months, in case of the non-payment of the costs and fines inflicted and there being no sufficient distress as aforesaid. (See 303 Municipal Act.)

MISCELLANEOUS PROVISIONS AS TO BY-LAWS.

705. Any by-law of the City passed under sub-sections 1 to 162, inclusive, of section 703 of this Act, may be made applicable to the whole City or any part thereof only as may be prescribed by such by-law By-law may be made applicable to whole or part of City

706. No by-law passed under this Act shall prevent a farmer or farmers from so big, free of all charges or taxes or fees, farm produce of any kind in the City, by lawking the same from town to town or otherwise, nor shall any by-law passed under this Act make it compulsory to have such farm produce weighed or measured, or to have the free sale thereof in any way interfered with. Farm produce free from tax

707. In respect of any legislation which the Council is authorized to make prohibiting the keeping of cows, swine, poultry, or other animals the operation of any manufactory or the storage of explosive or other articles within a specified distance from any residence or other occupied premises, or prohibiting of buildings of certain classes within defined limits, the Council may provide that, upon the written consent of the whole or any specified part of the residents within a specified distance from the place proposed for such stable manufactory storage, warehouse or other place, the prohibition of the regulations shall not apply, and may further provide for limiting the period of the enjoyment of such privileges free from such prohibition. (See 23, Cap. 24, 62 and 63 Vic., 1899.) It may be kept, cows, swine, etc., may be made applicable to part only of City

OPENING ROADS, ETC.

708. The City may pass by-laws—

(a, For opening, making, preserving, improving, repairing, widening, altering, diverting or stopping up roads, streets, bridges, alleys, lanes or other public communications Opening or changing roadways.

within the jurisdiction of the Council, and for entering upon, breaking up, taking or using any land in any way necessary or convenient for said purposes situated to the public roads of this Act contained, and for preventing and removing any obstruction upon any roads or bridges within its jurisdiction.

Remains narrow
railways or old
railway lands

(b) For establishing, opening, making, preserving, improving, maintaining, widening, enlarging, altering, diverting or stopping up, within the limits of the City, any high way or road through, over, across, under, along or upon the railways and lands of any railway company, and for entering upon, breaking up, taking or using any such land in any way necessary or convenient for such purpose, provided that such road or highway is within the jurisdiction of the Council (Subsection 4) and (1) of the Municipal Act).

Company
incorporated in
Canada or
foreign country

(c) For detaching, closing up and conveying to a railway company either heretofore in existence or which shall hereafter be in existence, or to any person, any roads, streets, bridges, alleys or lanes, or any part or parts thereof, within the jurisdiction of the Council, upon such terms and conditions as such Council may require, and a condition to a railway company or to any person, as to the persons of any such person, shall absolutely rest in the company or person heretofore or in the future intended to be or participating to be conveyed by the City to the company or person.

Provision that
substituted
road be
provided

Provided that the company or person shall pay the expense of opening up, or shall provide a new road allowance in lieu of the same as before, and, in the event of the railway company, or person refusing to provide the substituted road allowance, then such company or person shall have and such person for appropriating the same, regulation for the new road allowance shall be provided in the City. Provided, further, that such new road allowance must be approved of by the Council, and that in any such case the said company or person shall be solely liable for the damage mentioned in section 714 of this Act. (Sec. 844, Municipal Act.)

New road
may be
approved

Liability for
compensation

Bound by laws,
regulations or
by-laws of
the Council

(d) The Lieutenant Governor in Council is empowered, on the application of the Council in any case in which it may seem proper to authorize, approve or legalize any action of the Council dealing with, or attempting to deal with, any of the class of subjects set forth in the various paragraphs of this section, notwithstanding the Council has or has not duly passed a by-law authorizing such action.

Council may
make or which
may be passed

709 The Council shall not pass a by-law for stopping up, altering, widening, diverting, conveying or selling any original allowance for road, or for establishing, opening,

The first thing I noticed when I stepped
 out of the car was a warm, sticky breeze.
 It felt like a giant hand reaching out to
 embrace me. The sun was high in the sky,
 and the air was thick with the scent of
 blooming flowers. I took a deep breath,
 savoring the moment. The world around me
 seemed to be in a state of perfect harmony.
 The birds were singing their hearts out,
 and the children were laughing and playing
 in the park. It was a beautiful scene,
 and I felt like I had found a piece of
 heaven on earth.

This was

the first time I had ever felt so at home.
 The people here were friendly and welcoming,
 and they made me feel like I belonged.
 I had heard that this was a great place to
 live, and now I knew why. The weather was
 perfect, the food was delicious, and the
 people were wonderful. I was in luck.
 This was exactly what I needed.

One day, as I was walking through the park, I
 saw a beautiful butterfly. It was a vibrant
 orange and black, and it was flying so gracefully.

I watched it for a long time, and I felt like I
 was in a dream. The world around me
 seemed to be in a state of perfect harmony.

stopping up, altering, widening, diverting or selling any other public highway, road, street or lane,

(a) Until written or printed notices of the intended by-law have been posted up one month previously in six of the most public places in the immediate neighborhood of such original allowance for road, street or other highway, road, street or lane,—

*See Law
1901*

(a) Nor until the Council has heard, in person or by counsel or attorney any one whose land might be prejudicially affected thereby and who petitions to be so heard,

Hearing parties.

(c) And the Clerk shall give such notices, at the request of the applicant for the by-law upon payment of the reasonable expenses attendant on such notices. The observance of the requirements of this section shall not be necessary, in the case of establishing or opening a public highway, road, street or lane, if conveyances or transfers of the land required can be obtained from the owners, but shall only be necessary where expropriation of any of such land is necessary

Exemption of giving notice

710. The Council shall not close up any public road or highway, whether an original allowance or a road opened by the Council, or otherwise legally established, whereby any person will be excluded from ingress or egress to and from his lands or place of residence over such road, unless the Council in addition to compensation, also provide for the use of such person some other convenient road or way of access to the said lands or residence. (Sec. 646, Municipal Act.)

Ingress and egress to be preserved

PUBLIC HIGHWAYS, BRIDGES, ETC

711. In all cases where, by the alteration of the direction of any public road or highway or by making any new road or highway, the old road or highway, or a portion thereof shall become unnecessary for the public, then such old highway or road, or portion thereof, if thought just and if so expressed and declared by any law of the Council, may be vested in and belong to the person or persons who respectively is or are proprietor or proprietors of the land from which such old highway or road was originally taken. (Sec. 647, Municipal Act.)

Disposition of old roadways.

712. For the purpose of any survey required or necessary on or before the opening, making, altering, widening or diverting of any road, lane, bridge or highway, by the Council under this Act, any duly authorized surveyor shall have the right to enter upon any land or property and, generally, to

Surveyors may enter upon lands to make surveys.

do anything necessary to make such survey without doing any unnecessary damage to the property entered upon. (Sec 649, Municipal Act.)

Registration
of by-laws
opening roads
on private
property

713 Every by-law passed by the Council under the authority of which any street, road or highway has been or is opened upon any private property shall, before the same becomes effectual in law, be duly registered in the Winnipeg Land Titles office, and for the purpose of such registration a duplicate original of such by-law shall be made out, certified under the hand of the Clerk, and under the seal of the City, and shall be registered without any further proof on payment of the proper costs and charges. No by-law shall be registered under this section unless the same has annexed thereto a plan showing the street, road or highway which has been opened up, such plan shall be certified by a duly qualified Provincial land surveyor. (Sec. 650, Municipal Act.)

Edw. VII.

Public roads.

714 All allowances made for roads by the Dominion Government survey in the City, and also all roads laid out by virtue of any statute or roads properly dedicated to the public use, shall be deemed common and public highways, unless where such roads have been already altered, or may hereafter be altered according to law. (Sec 651, Municipal Act.)

Confirmation
of surveys.

715 All the surveys of great highways or public roads performed under the authority of the Dominion or Provincial Government and the plans thereof, duly certified, shall be and are hereby declared to be the survey of such great highways and public roads, and such survey is hereby confirmed and made valid. (Sec 611, Municipal Act.)

Property vest-
ed in Crown

716 Unless otherwise provided for the soil and freehold of every public highway or road altered, amended or laid out, according to law, shall be vested in His Majesty his heirs and successors, for the use of the Province of Manitoba. (Sec 613, Municipal Act.)

Troops con-
sulted in good
faith

717 In case it appear that the City has opened that which it takes and believes to be the true site of an original road or allowance for road, and in case the City, its officers and servants shall have acted in good faith and shall have taken all reasonable means to inform themselves of the correctness of their line and work, and in case it appear that the road being opened, although not or not altogether

And the date on which any or law heretofore or here-
after passed shall be the date with reference to which com-
pensation or damages shall be payable.

617 Ed in Cap. 28 Sec. 82 (1901)

upon the true line of the original road or allowance for road, is nevertheless, from any difficulty in ascertaining correctly the true line, as near to or as nearly upon the true line as under the circumstances could then be ascertained, no action shall be brought or any person against the City or its officers or servants for or in respect of the opening of such road or allowance for road or for any other act or matter whatsoever connected with or arising from the same. (Sec. 626, Municipal Act.)

718. The City shall, however, in any case respecting the opening of an original road or road allowance, make to any person having title or interest in the same reasonable compensation in full of all claims and as a final settlement of the same. Provided that the claims for such compensation shall be made within two years from the time of the laying out or taking possession, by the City or its officers, of such road or the part thereof in respect of which compensation is claimed, and in the event of the parties not agreeing as to the amount or terms of such compensation, the same shall be ascertained and the payment thereof enforced under the provisions of this Act relating to arbitrations. (Sec. 627, Municipal Act.)

Compensation to be made
Parties

719. Subject to the exceptions and provisions hereinafter contained, the Council shall have jurisdiction over bridges and the original allowances for roads and highways within the City. (Sec. 614, Municipal Act.)

Jurisdiction of Council

720. The possession of every public road, street, bridge, lane, square or other highway, in the City, shall be vested in the City subject to any rights in the same which the individuals who lay out such road, street, bridge or highway reserved and except any other road within the City taken and be in possession of by an individual in lieu of a street, road or highway laid out by him without compensation therefor. (Sec. 615, Municipal Act.)

Possession vested in City

721. No encroachment or nuisance whatever shall be made or left by any person in or on any roads or public highways under penalty of a fine not exceeding the sum of twenty dollars. (Sec. 617, Municipal Act, Cap. 23, 1 Ed. VII.)

Encroachments and nuisances

722. Every public road, street, bridge and highway, and every portion thereof, shall be kept in repair by the City, and on default of the City so to keep in repair the City shall besides being subject to any punishment provided by law, be civilly responsible for all damages sustained by any person by reason of such default.

Responsibility for damages
Repair of public roads

**Limit of
Liability**

(a) Provided, however, that the liability of the City shall be limited to that portion of the road on which work has been performed or public improvements made by the City.

**Notice of
Action**

(b) Provided, further, that notice of any such claim or action must be served upon the Clerk within one month after the happening of the alleged negligence and any action brought for damages to construction thereon shall be commenced within three months from the receiving of such notice. (Sec. 618, Municipal Act.)

In Subsec. C. added by Act No. 11.

Private roads.

723. The last preceding section shall not apply to any road, street, bridge or highway laid out or any private portion and the City shall not be liable to keep in repair any such last mentioned road, street, bridge or highway, until established by law or until the City have expended moneys in improving the same. (Sec. 619, Municipal Act.)

**Inter-municipal roads,
opening and
maintaining
same.**

724. All roads and highways forming the boundary between the City and adjoining municipalities shall be opened, maintained, kept in repair and improved by the City and such municipalities of which they form such boundary or boundaries and the boards of the City and such municipalities have to do with the same and the same shall be accordingly although the road may so deviate as in some places to be wholly or in part within one or either of them. (Sec. 620, Municipal Act.)

**Settlement differ-
ences between
the City and
other munici-
palities respect-
ing**

725. Whenever the City and any municipality interested in the whole or part of any boundary line road are unable, notwithstanding, to agree as to their joint action in opening or maintaining such line road or portion thereof, the City or such municipality concerned may apply to the Municipal Commissioner to determine the amount which the City and each municipality shall be required to expend, either in money or statute labor, or both, and the mode of expenditure on such road, and his award and decision thereon shall be final and binding upon the City and the municipalities interested, and may be enforced by the City or any of the municipalities in any Court of competent jurisdiction, and all sums of money expended by the City or such municipalities for such maintenance may be recovered by action of debt from the City or the municipality or municipalities in default or neglecting to make the payments directed by such award. (Sec. 621, Municipal Act.)

**Effect of
by-laws.**

726. No by-law of the Council of the City or any one of such municipalities with respect to any such act mentioned road shall have any force until a by-law has been passed in

similar terms as early as may be by the City and council or councils of the other municipalities or municipalities having jurisdiction in the premises. (Sec. 622, Municipal Act.)

727 In case the other council or councils, for three months after the day of the day law went to pass a by-law on similar terms, the city and half as if the City and of each municipality in respect to the road or bridge shall, or referred to be stricken under law, and on the arbitration it shall be equal for the arbitrators to direct in the award who shares of the expense and maintenance thereof shall be borne by the City and each of the municipalities interested. (Sec. 623, Municipal Act.)

728 In case an action is brought against the City to recover damages sustained by reason of any obstruction, excavation or closing of a street to a public street placed, made, left or maintained by any other corporation or by any person, or persons other than a servant or agent of the City or to recover damages sustained by reason of any negligent or wrongful act of any other corporation or any person other than a servant of the City, the City shall have a remedy over against such corporation or person, and may enforce payment accordingly of the damages and costs (if any) which the plaintiff in the action may recover against the City. (Subsec. 1, Sec. 609, Municipal Act, Ont.)

729 The City shall be entitled to such remedy over in the same action, if such corporation or person shall be made a party to the action, if it shall be established in the action as against such corporation or person, that damages were sustained by reason of an obstruction, excavation or opening as aforesaid, road, made, left or maintained by such corporation or person, or by reason of such negligent or wrongful act as is aforesaid, or mentioned, the City may in such action have such corporation or person added as a party defendant or third party for the purposes hereof if the same is not already a defendant in the action jointly with the City, and such corporation or person may defend such action as well against the plaintiff's claim as against the claim of the City to remedy over, and the Court or Judge, upon the trial of the action may order costs to be paid by or to any of the parties thereto or in respect of any claim set up therein as in other cases. (Subsec. 2, Sec. 609, Municipal Act, Ont.)

730 If any such corporation or person be not a party defendant to such action, or be not added as a party defendant or third party, or if the City shall pay the claim for such damages before any action is brought to recover the same, or before any recovery of damages or costs against the

City the City shall have a remedy over by action against such corporation or person for such damages and costs so have been sustained by reason of any obstruction, excavation or opening placed, made, left or maintained by such corporation or person, provided always that such corporation or person shall be deemed to admit the validity of the judgment obtained against the City in cases only where a notice has been served on such corporation or person pursuant to the provisions of Rule 239 of "The Queen's Bench Act, 1895," or by reason of such negligent or wrongful act as in preceding section mentioned, or when such corporation or person has admitted or is otherwise estopped from denying the validity of such judgment, and when no such notice has been served, and there has been no such admission or estoppel, and such corporation or person has not been made a party defendant or third party to the action against the City, or when such damages have been paid without action or without recovery of judgment against the City, the liability of the City for such damages, and the fact that damages were sustained by reason of an obstruction, excavation or opening placed, made, left or maintained by such corporation or person or by reason of such negligent or wrongful act, shall be established in the action against such corporation or person in order to entitle the City to recover in such action, a similar notice must also and may be given in an action or proceeding in the County Court. (Sec. 608, 3 to 5, Sec. 609, Municipal Act, Ont.)

ROADS.

Penalty for
injuring trees

731. Any person who shall tie or fasten any animal to any such tree, shrub or sapling so growing or planted upon any highway or road, or shall injure or destroy, or who shall remove any such shrub, tree or sapling, or shall receive the same knowing it to be so removed, shall incur a penalty of not more than ten dollars. (Sec. 642, Municipal Act.)

Trees planted

732. Any person owning and adjacent to any street may plant trees, shrubs or saplings on the portion thereof contiguous to his land, but no tree, shrub or sapling shall be so planted that the same may be or become a nuisance in the street, or obstruct the fair and reasonable use of the same. Every tree, shrub or sapling so planted in any street shall be deemed to be the property of the owner for the time being of the land whose owner planted the same. (Sec. 640, Municipal Act.)

Removing
trees, etc.

733. The Council may cause any tree, shrub or sapling growing or planted on such street to be removed, if and when such removal shall be deemed necessary for any purpose of

2. Den 2. 18. 18. 18.
2. 18. 18. 18.

1. *Plot* - *and* *the*

public improvement in connection with such street, but no corner of any tree, shrub or sapling, nor any officer of the City, nor any other person, shall remove, cut down or injure such tree, shrub or sapling, on the pretence of improving the highway or road or otherwise, without the express permission by resolution of the Council, or the Parks Board. (Sec. 641, Municipal Act.)

734. It shall be lawful for the Council to expend money in the planting and preserving of shade and ornamental trees upon the streets. (Sec. 643, Municipal Act.) Council may plant trees

735. In every case of construction or renewal of any kind of permanent pavement upon any of the streets in the City occupied by the Winnipeg Electric Street Railway Company, the said company shall have the option of constructing their portion of any such pavement, provided always that such work shall be the same as that done by the City or at their request the City shall construct the same, and in every such case the City shall assess an annual rate, covering interest and sinking fund extending over the like period as that upon which the assessment upon the adjacent ratepayers is adjusted, upon the said company for the cost thereof with full power to the said City to raise such sum by assessment of debentures and to collect the same in the manner provided under this Act for the construction of improvements. Construction of pavement by Winnipeg Electric Street Railway Co.

736. Section 2 of Chapter 33 of the Statutes of Manitoba passed in the year 1895 is hereby repealed in so far as respects the City of Winnipeg. S. C. 22, 1895, repealed

(a) Notwithstanding the provisions of section 29 of the schedule in Chapter 6, of the Statutes of Manitoba passed in the year 1892 (now Cap. Law No. 143) of the City of Winnipeg, the Council shall not grant the right to the Winnipeg Electric Street Railway Company to operate its cars on Sunday unless an affirmative vote shall be given, by a majority of the electors voting in person, to the question of operating a Sunday street car service, to be submitted to by law of the Council, at the time of the annual general municipal elections. Sunday street car service

b. The proceedings, regulations, method of voting, and other features in relation to the returning officers, the opening up of the vote books, and the purgation process in 'The Winnipeg Charter' for the conduct of municipal elections and for voting on municipal by-laws, so far as the same are applicable and except so far as a herein otherwise provided shall apply, mutatis mutandis to the Proceedings, etc., in relation to the officers of the City

taking of every vote upon the question of operating a Sunday service of street cars in the City of Winnipeg and to all officers and other persons engaged in taking such vote,

By-law to
define extent
of service

~~(c) The submission of the said question shall be in pursuance of a by-law of the Council, which shall define the character and the extent of the proposed service. But no such by-law shall be submitted until the terms thereof, defining the character and extent of such proposed service, shall first have been approved and adopted in writing by the company.~~ *Amended 1906*

(d) No person shall vote more than once upon the said question;

Appointment
of Agents, &c.

(e) The Council, by the by-law whereby a time for taking any vote upon the said question shall be fixed, shall also fix a time and place at which the Clerk shall sum up the number of votes given in favor of deciding the said question in the affirmative and in the negative respectively, and a time and place for the appointment, by the Mayor of agents who may attend at the various polling places and at the final summing up of the votes by the said Clerk, respectively on behalf of the persons desiring to procure an answer in the affirmative and negative respectively to the said question.

(f) At the time and place so fixed, the Mayor shall appoint in writing, signed by him, from among the applicants for such appointment or on behalf of applicants for each polling sub-division in the City, two agents on behalf of the persons desirous of procuring an affirmative answer to the said question, and a like number of agents on behalf of the persons desirous of procuring a negative answer thereto, who may attend at each polling place during the taking of such vote, and shall also similarly appoint two persons on each side who may attend at the final summing up of the vote;

(g) Every person so appointed, before being admitted to the polling place or to the summing up of the vote, as the case may be, shall produce to the deputy returning officer or the Clerk, as the case may be, his written appointment;

Who entitled
to vote

(h) The persons entitled to vote upon the question of operating a Sunday street car service in Winnipeg shall be those whose names are upon the revised list of municipal electors entitled to vote for Mayor and Aldermen at the time of such voting

By-law to be
submitted at

~~(i) The voting in respect of the question of a Sunday service shall be held at the time, and by the same officers, as~~

By-law for
Sunday street
cars, what it
must contain.

(c) The submission of the said question shall be in pursuance of a by-law of the council, which shall define the character and the extent of the proposed service and any other regulations with regard to operating a car service on Sunday not provided for by said By-law No. 543

606 Ed. in Chap. 95, Sec. 16. (1906)

~~shall be appointed for taking the votes for Mayor and aldermen;~~ Vote of a council member, election.

(j) All deputy returning officers, poll clerks and agents who may be entitled to vote, may vote on the said question at the places at which they are employed, in the same manner and under the same conditions as at municipal elections.

(k) The oath or affirmation which is to be administered ~~only~~ to persons claiming the right to vote upon the said question shall be in accordance with the forms set forth in "The Winnipeg Charter, ~~municipal elections~~ and every deputy returning officer who shall preside at any polling place during the taking of any such vote is hereby authorized and required, upon the request of any person entitled to be present in such polling place, to administer the said oath or affirmation to every person claiming such right, and if any person shall refuse to take such oath or affirmation his vote shall ~~not be received, and~~ if the deputy returning officer receives such vote or causes the same to be received he shall incur a penalty of \$200 for each such offence.

(l) After the taking of any vote upon the said question, which shall result in the giving of a negative answer ~~thereto, it shall not be lawful for the Council again to submit the said question until a period of three years at least shall have elapsed from the time it was last submitted.~~ If a negative answer, Council cannot again submit question for three years.

TRAVELLING ON HIGHWAYS.

737. In case a person travelling or being upon a street, in charge of a vehicle drawn by one or more horses, or one or more other animals, meets another vehicle drawn as aforesaid, he shall turn out to the right from the centre of the road, allowing to the vehicle so met one-half of the road. Half of the road in meeting.

738. In case a person, traveling or being upon a street in charge of a vehicle as aforesaid, meets a person travelling upon a bicycle or tricycle, he shall, where practicable, turn to the right from the centre of the road so as to allow the person travelling upon the bicycle or tricycle sufficient room on the travelled portion of the street to pass. (Sec. 628, Municipal Act.) Where driver and cyclist meet.

739. In case a person travelling or being upon a street in charge of a vehicle as aforesaid, or on horseback, is overtaken by any vehicle or horseman travelling at greater speed, the person so overtaken shall quietly turn out to the right and allow the said vehicle or horseman to pass. Driver or rider over-taken turns to the right.

Person over-
taking turns
to the left

740. Any person so overtaking another vehicle or horseman shall turn out to the left so far as may be necessary to avoid a collision with the vehicle or horseman so overtaken, and the person so overtaken shall not be required to leave more than one-half of the road free.

Case where a
cyclist is over-
taken by a
rider or driver

741. In case a person travelling or being upon a street upon a bicycle or tricycle is overtaken by any vehicle as aforesaid, or horseman travelling at a greater speed, the person so overtaken shall quietly turn out to the right and allow the said vehicle or horseman to pass, and the person so overtaking the bicycle or tricycle shall turn out to the left so far as may be necessary to avoid a collision.

Where the
cyclist wishes
to pass a rider
or driver

742. In case a person travelling upon a highway on a bicycle or a tricycle overtakes any vehicle as aforesaid, or horseman travelling at a less speed, or a person travelling on foot, the person travelling on the bicycle or the tricycle shall give the other person audible warning of his approach before attempting to pass, and shall pass to the left of such vehicle, pedestrian or horseman, who shall if practicable turn to the right to allow such bicycle or tricycle sufficient room to pass on the travelled roadway.

Cyclists
meeting.

743. In case two persons travelling upon bicycles or tricycles meet each shall turn to the right.

One cyclist
overtaking
another

744. In case a person travelling on a bicycle overtakes another travelling upon a bicycle the one overtaken shall keep or turn to the right of the travelled way to allow the other to pass on the left.

Cyclists on
approach to
right of
roadway

745. Persons travelling upon bicycles shall keep to the right of the middle line of the travelled roadway.

Rule for
cyclists turn-
ing at street
crossing

746. Persons travelling upon bicycles and turning at street intersections from one street to another shall if turning to the right, keep close to the corner of the street intersection, if turning to the left they shall first cross the intersecting street and then turn so as to keep to the right of the roadway. (See 629, Municipal Act.)

Person unable
to turn out to
stop

747. In the case of one vehicle being met or overtaken by another, if, by reason of the extreme weight of the load on either of the vehicles so meeting or on the vehicle so overtaken, the driver finds it impossible to turn out as aforesaid he shall immediately stop, and if necessary for the safety of the other vehicle and if required so to do, he shall assist the person in charge thereof to pass with all dispatch. (See 630, Municipal Act.)

(a) If the owner, agent or occupant of any cellar, room, tenement or building, or any part thereof, used as a dwelling-place, refuses or neglects to comply with the notice of the health officer, requiring him to put such cellar, room, tenement or building, or part thereof, in a sanitary condition, or to install plumbing thereon, the health officer may, either before or after the occupants have left the same, affix to the said building placards declaring the same to be unfit for habitation and forbidding the use of the same as a dwelling-place. Such placard shall not be removed without the permission of the health officer, and any person defacing or removing any such placard, without his permission, shall be liable to a penalty of not less than five dollars and not exceeding ten dollars.

(b) Any owner or agent renting or allowing to be occupied or any person occupying such cellar, room, tenement or building, or any portion thereof as a dwelling-place, without the permission of the health officer, shall be liable, upon conviction before a magistrate or justice of the peace, to a penalty of not less than ten dollars per day for each day the same is rented, allowed to be occupied or occupied.

617 Ed. Va. Code 44 Sec. 67. (1927)

“X. “And a certificate signed by the said health officer showing the amount of any and all costs, charges and expenses incurred by the health officer, or any of his agents, assistants or employees, in making premises sanitary or in removing anything on such premises deemed a nuisance, or in removing the occupants thereof, shall be filed with the assessment commissioner, who shall enter the amount shown in such certificate in the roll against the property affected, and the same shall thereupon become taxes and be collected in the same way that other taxes are collected under the provisions of this Act.”

516 Ed. Va. Code 95 Sec. 18 (1906)

748. In case of a person in charge of a vehicle, or of a horse or other animal, used as the means of conveyance, travelling or being on a street as aforesaid, a through drunkenness unable to drive or ride the same with safety to other persons travelling on or using upon the street he shall incur the penalties imposed by this Act for the violation of the provisions of any by-law of the City. (Sec. 631, Municipal Act.)

Penalty on drivers, who too drunk to manage their horses.

749. No person shall race with or drive furiously any horse or other animal, or shout, or use any blasphemous or indecent language, upon any street. (Sec. 632 Municipal Act.)

Racing, owner, etc., on roadways prohibited.

750. Every person travelling upon a street with a sleigh, sled or cariole, drawn by horse or mule, shall have at least two bells attached to the harness or such conveyance. (Sec. 633, Municipal Act.)

Hitch horses to have bells.

UNSANITARY BUILDINGS.

751. If the Health Officer of the City, upon due examination, is satisfied that a cellar, room, tenement, or building within his jurisdiction, occupied as a dwelling place, has become, by reason of the number of occupants, want of clean house, the existence therein of contagious or infectious disease, or other cause, unfit for such purpose, or that it has become a nuisance or in any way dangerous to the health of the occupants or of the public, he may issue a notice in writing to such occupants or to the owner of such premises, or their agents, or any of them, requiring the said premises to be put into proper sanitary condition, or, if he sees fit, requiring the occupants to quit the premises within such time as he may deem reasonable. If the persons so notified, or any of them, refuse or neglect to comply with the terms of the notice, every person so offending shall be liable to a fine not exceeding twenty-five dollars, and, in default of payment to a term of imprisonment not exceeding thirty days, and the Health Officer may cause the premises to be properly cleaned at the expense of the owners or occupants, or may remove the occupants forcibly and close up the premises, and the same shall not be occupied as a dwelling place until put in proper sanitary condition. (Sec. 34, Cap. 24, 62 and 63 Vic., 1899.)

Unsanitary buildings.

Notice to quit.

Penalty for non-compliance with notice.

Premises may be closed up by city.

Premises may be closed up.

See conditions of sale of City land for stock yards, etc.

STOCK YARDS, ETC.

752. The City may, subject to the conditions in this section expressed, acquire by purchase or otherwise, a plot or plots of ground within the City, not to contain less than ten acres, for the purpose of establishing stock-yards in the City, and having an abattoir or abattoirs erected thereon.

City empowered to buy land for stock yards and abattoirs.

(1) The City may, in the event of acquiring such property, construct all drains and sewers requisite for draining the said land and for connecting such drains and sewers with the existing sewer system of the City.

(2) The City may also make conditions and regulations to be made governing the character and construction of the buildings to be used as abattoirs on said land, and the equipment and the manner of operating the same in all respects, and may generally make regulations respecting the control and management and use of such stock yards and abattoirs, all of which conditions and regulations may be altered or modified from time to time by the Council.

(3) The City may upon such terms and for such periods as may be agreed upon, give leases to any person or corporation of a portion or portions of said land for the purpose of erecting thereon a building or buildings for an abattoir or for other purposes connected with the storing curing handling and transportation of meats animals or animal products, such buildings conforming to the conditions and regulations aforesaid.

(4) The City shall not grant any monopoly to any person, firm or corporation to carry on an abattoir or to engage in any trade or manufacture connected therewith, nor in the trading in live stock, animals or animal products, but shall permit any person or duly authorized corporation of a financial standing satisfactory to the Council to erect an abattoir conformable to the said conditions and regulations, and will for that purpose allot a sufficient quantity of land.

(5) No undue preference or advantage shall be given by the City to any person or corporation conducting an abattoir over any other person or corporation so doing.

(6) The City may provide for the slaughtering of all animals brought to any such abattoir at rates and subject to regulations approved by the City, and may provide that no animals shall be slaughtered elsewhere in the City than in abattoirs erected on said land.

(7) The City may make provision for the inspection of all such abattoirs and of all animals brought thereon or into said yards, and may appoint officials invested with full powers for those several purposes.

(8) All the powers hereby conferred on the City shall be exercised by by-law or by laws of the Council thereof.

(9) Any by-law providing for the original acquisition of such plot of land, and for the construction of such drain and sewers as aforesaid, shall first be submitted to the votes of the

Property to be
transferred over
to city

61. All moneys, tools, machinery and plant owned by the
Cycle Pave Board shall be forthwith handed over to and be-
come the property of the city.

617 La. 41 Cap 48 Sec 61 (1907)

Debt of
\$125,000 for
improvement of
plant.

753. The city shall have the power to and may pass a by-
law to contract a debt for \$125,000, by the issue and sale of
debentures, without submitting such by-law to the
electors duly qualified to vote upon such by-laws
requiring the assent of the electors, for the pur-
pose of providing for the cost of constructing a
garbage destructor or incinerator plant within the
City of Winnipeg. The debentures to be issued thereunder
shall be payable at a period to be fixed by the council, not
later than fifty years from the date of issue, and shall bear
interest at the rate prescribed, and payable at such times, as
the council may provide, and for such purposes the council
may or may not prescribe the levy of a fund by way of sinking
fund. Such debentures, when issued and sold, shall be a
valid and binding charge upon the city, and all acts done in
respect of the establishment and construction of such garbage
destructor or incinerator by the city council are hereby rat-
ified and confirmed. 617 La. 41 Cap 48 Sec 62 (1907)

ratepayers in the City authorized to vote on money by-laws in accordance with the provisions of this Act, and such by-law may provide for borrowing money for the purpose of acquiring such property and constructing such drains and sewers, and for the issue of debentures for the payment thereof, the same not to exceed ten thousand dollars, the debentures to be payable in a term not exceeding fifty years and bearing interest at a rate not exceeding five per cent. per annum (Sec. 28, Cap. 20, 60 Vic., 1897)

753 See as by law

BICYCLE PATHS.

~~752 A highway path or system of bicycle paths may be~~ ^{System of bicycle paths} established by the City, both ~~inside as well as outside its limits~~ ^{inside as well as outside its limits}, subject to the provisions hereinafter contained, and the same, as well as existing bicycle paths, may be constructed, maintained, controlled and managed in the manner following:

(a) The general management, regulation and control of ^{To be managed by a bicycle path board} all existing bicycle paths, and the construction and maintenance of bicycle paths that may hereafter be constructed and established under the provisions of this Act, and all property applicable thereto, shall be vested in and exercised by a Board, to be called "The Cycle Path Board"

b The Board shall be a body politic and corporate and shall be composed of three members of the Council and six other persons, who shall be resident wheelmen or wheelwomen of the city but not members of the Council, who shall be appointed by the Council, two until the first day of February in the year following the first appointments, two for one year and two for two years from said first day of February ^{Composition and appointment of board}

(c) After the first appointments the appointments shall be made annually at the first meeting of the Council, held after its organization, or as soon thereafter as practicable, and any vacancy, arising from any cause other than the expiration of the time for which the member was appointed, shall be forthwith filled by the Council ^{Subsequent appointment of board}

(d) In case of a vacancy by the death or resignation of ^{Vacancies} a member, or from any cause other than the expiration of the time for which he was appointed, the member appointed in his place shall hold office for the remainder of his term.

(e) Subject to these provisions, each of the appointed ^{Term of office} members shall hold office for three years from the first day of February in the year in which he was appointed.

(f) The members of the first Board, within ten days ^{First meeting of board} after their appointment, and on such day and hour as the

Repealed by 61; Ed 60 cap 68 Sec 60 1907

~~Mayor shall appoint (notice of the appointment, in writing, signed by the Mayor having been duly sent to each member at his address at least one week before the day and hour named therein), shall meet at the office of the Mayor for the purpose of organization, shall elect one of their number chairman, and shall appoint a secretary, who may be either one of their own members or any other person they may select. If for any reason appointments are not made at the said date, the same shall be made as soon as may be thereafter~~

Election of chairman and appointment of secretary.

(g) The chairman and secretary shall hold office at the pleasure of the Board, or for such period as the Board shall prescribe.

Acting chairman or secretary.

(h) When the chairman or secretary is absent, or unable to act, the Board may appoint a chairman or secretary *pro tempore*.

Board meeting when to be held.

(i) The Board shall meet at least once every month from 1st of March to 1st of November in each year, and at such other times as they may think fit.

Special meetings—how called.

(j) The chairman or any two members may summon a special meeting of the Board, by giving at least one day's notice in writing to each member, specifying the purpose for which the meeting is called.

Vacancies caused by absence without leave.

(k) The office of any member of the Board who shall be absent from the meetings of the Board for three successive regular monthly meetings, without leave of absence from the Board, shall be declared vacant by the Board, and notice thereof shall be given to the Council at the next meeting of the Council. This section shall not apply to the members of the Council mentioned in sub-section (v) of this Section.

Quorum.

(l) No business shall be transacted at any meeting of the Board unless four members are present.

Minutes.

(m) All orders and proceedings of the Board shall be entered in books to be kept by them for that purpose, and shall be signed by the chairman for the time being.

Minutes as evidence.

(n) The orders and proceedings so entered shall be deemed the original orders and proceedings, and the books may be produced and read upon any judicial proceedings as evidence of the orders and proceedings.

Members of board to serve without pay.

(o) The members of the Board shall serve without compensation. Each member shall be entitled to receive his actual disbursements for expenses in visiting or superintending the paths or any or either of them, when the visit or service is made or rendered at the direction of the Board.

Disbursement of members.

Repealed by 617 Ed. III. Cap. 48. Sec. 60 (1907)

(p) ~~No member of the Board of Aldermen, or member~~ ^{Members of Board not to be interested in path contracts.} of the Council, shall have any contract with the Board or be pecuniarily interested, either directly or indirectly, in any contract or work relating to the paths or paths property

(q) The Board may employ all necessary clerks, agents and servants, and may prescribe their duties and compensation ^{Board may employ clerks.}

(r) The Board shall keep in the office of the Board all books, maps, plans, papers and documents used in and pertaining to the business of the Board ^{Books to be kept}

(s) All books kept by the Board shall be open to the inspection and examination of the members of the Council and of any other person or persons appointed for that purpose by the Council ^{Inspection of books}

(t) The Board shall keep distinct and regular accounts of their receipts, payments, credits and liabilities, and the accounts shall be audited by the Comptroller in like manner as other accounts of the City, and shall thereafter be laid before the Council by the Board. ^{Accounts to be kept}

(u) The City shall have power to levy annually a tax of fifty cents on each bicycle used or ridden in the City of Winnipeg, the wheels of which exceed eighteen inches in diameter, which said tax shall be collected and paid to the Treasurer of the City in the manner provided by the Council. The funds so raised, together with any other funds contributed by any other person, shall be called a "Cycle Path Fund" and shall be used by the Board in constructing and maintaining bicycle paths under the provisions of this Act relating to bicycle paths. ^{A annual wheel tax of 50 cents.}

(v) The Board shall, on or before the first day of March in each calendar year, determine upon a form or forms of tag or license to be attached or affixed to a bicycle, to be known as a Bicycle Path License, and shall furnish the license inspector or other officer appointed by the Council for the collection of said tax with a sufficient number of said tags or licenses. Each such license shall be valid during the calendar year for which it is issued, and no longer. Every person shall be entitled to be furnished by said licensee inspector or other officer with said Bicycle Path License upon the payment of the license fee fixed by the Council. ^{Tags or licenses to be furnished}

(w) The Board shall devote the moneys so collected or contributed to the maintenance and repair of the existing bicycle paths in the city and surrounding municipalities and, with the consent of the Council of the municipality having jurisdiction thereof, to the construction of new bicycle paths ^{How the moneys are to be used} ~~and repair of the same, to the maintenance of order on such~~

Amended 6, 1917; Cap 48 and 60 1902

bicycle paths, and to the enforcement of such necessary rules for the use thereof as may be from time to time adopted by such Board.

Limitation of expenditure

~~4a) All expenditure shall be first approved by the Board and no payment shall be made in excess of the amount actually on deposit, nor shall any contract or purchase be made exceeding the amount of such fund at the time of making such contract or purchase.~~

Deleted by Order of Council

Path to be where directed by Council

754. All paths constructed under the provisions of the Act relating to bicycle paths shall be built on such portion of the highway as may be specifically set apart for that purpose by the Council of the municipality in which such highway is situate.

Separate accounts to be kept

755. The Treasurer of the City is hereby required to keep accurate account books to be kept for that purpose of all receipts and disbursements.

Manner of handling funds

756. All moneys received or payable under the provisions of this Act relating to bicycle paths shall be received by the Treasurer of the City in the same manner as other funds, and by him shall be deposited to the credit of the "Cycle Path Fund," and shall be paid out in the same manner as other funds by the Treasurer on the orders of the Board.

Rule of the road

757. Bicycle riders traveling in opposite directions on said paths shall turn to the right in passing, and every bicycle rider overtaking another on said paths shall turn to the left in passing the one so overtaken.

Members of the Cycle Path Association who have paid their fees not to be taxed the same year

758. All persons who have paid their membership fees to the Winnipeg Cycle Path Association and obtained the association cycle path badge for the current year prior to the original appointment of said Board and the passing of a by-law levying said tax by the City, shall be exempt for the then current year from the payment of said tax.

Exemptions

759. The bicycles of all visiting wheelmen to the City shall be exempt from the payment of said tax.

Day labor

760. The construction and maintenance of said cycle paths shall in so far as practicable be done by day labor.

City police to enforce, etc.

761. It shall be the duty of the police of the City to enforce the provisions of this Act relating to bicycle paths within the limits of the City.

the people of the world
to be less and the people
that is the world is the people
was as if the people of the world
band

762. The Board and the officers thereof shall have the like protection in the exercise of their office and the execution of their duties as Justices of the Peace have under the laws of the Province of Manitoba, and the watchmen and other officers of the Board, when in the discharge of their duties, shall be *ex officio* possessed of all the powers and authorities of constables.

Protection and powers of officers.

763. Any action against any person for anything done in pursuance of this Act relating to bicycle paths shall be brought within six months next after the act committed, or, in case there shall be a continuation of damages, then within one year after the original cause of action first arose.

Limitation of actions.

764. If any person does or commits any of the following acts.—

Prohibitions.

(a) Drives or propels any vehicle except a bicycle upon any of the bicycle paths;

Driving on bicycle path.

(b) Rides or propels any bicycle on any street within the City or any bicycle path within the City unless a valid Cycle Path License be attached or affixed in plain view to the head of the frame of such bicycle,

Using bicycle without license.

(c) Drives, leaves or catches any horse, cattle, sheep, swine or any animal upon any bicycle path,

Animals on bicycle paths.

(d) Willfully obstructs, injures or destroys any bicycle path;

Obstruction or damage to cycle path.

(e) Places upon the surface of any street or highway in the Province, or upon any bicycle path, any glass, metal or stones, earthenware or other substance of a nature likely to cause injury to bicycles used on said street or highway or bicycle path, or which are of a nature likely to cut, injure or puncture any pneumatic tire, provided nothing herein contained shall be construed as to prohibit the public authorities from using any usual or proper means in the improvement of streets, roads and highways,

Putting things likely to puncture tires on streets.

(f) Rides any bicycle on any bicycle path at a greater speed than ten miles per hour

Limiting to ten miles per hour.

765. If any such person be convicted of any such act before the Mayor or any Justice of the Peace having jurisdiction he shall for every such offence forfeit and pay a sum not exceeding fifty dollars together with the costs and charges attending the proceedings and conviction, or such offender may be imprisoned with or without hard labor in the first instance, for any term not exceeding thirty days; and the person or persons so offending shall be liable to an

Penalties.
Offenders liable to action, at suit of Board, for damages.

action at the suit of the Board to make good any damage done by him, her or them.

Amount of
the person
damaged

766. And, in addition to the penalty provided herein, any person who commits any of the acts for the commission of which a penalty is provided by this Act relating to bicycle paths shall be liable for a damage caused by the commission of such act to the person or persons whose damage may be recovered in any Court of competent jurisdiction.

BRIDGES ACROSS RED RIVER.

City may build
bridges, and
the Red River

767. The City may build bridges across the Red River or any of the adjoining main courses, either on the expense wholly of the City or, in such case the whole of the bridge shall be under the jurisdiction and control of the City, or the cost of such bridge or bridges may be borne partly by the City and partly by the municipalities into which the said bridge extends in such proportions as the City and such municipalities may agree, and any municipalities benefited by the building of such bridge or bridges may also contribute towards the cost thereof.

To raise or
borrow money
for the purpose
of building
bridges over
the Red River

767. The City shall have power to and may pass a by-law to contract a loan of \$25,000,000 by the issue and sale of debentures, authorizing such by-law to: the electors duly qualified to vote upon such by-law requiring assent of the electors for the purpose of providing the means for constructing a bridge across the Red River from a point at or near the intersection of Aberdeen Avenue with said river or the west side thereof or within a distance of one mile along the course of said river either up or down from said point, to a point on the east side of said river. The debentures to be issued thereunder shall be payable at a period to be fixed by the Council not later than fifty years from the date of issue, and shall bear interest at a rate prescribed by the Council and be payable at such times as the Council may provide, and for and in pursuance the Council may or may not prescribe the levy of a sinking fund. Such debentures, when issued and sold shall be a valid and binding charge upon the City.

Authority to
construct
bridges

(a) The City is hereby authorized to construct said bridge (subject to approval, as to the manner and plans of construction, by the Government of the Dominion of Canada) and shall have authority to construct the necessary approaches thereto on both sides of the river and, if necessary, to purchase or obtain by expropriation proceedings such land as may be required for the purpose of streets leading to said bridge from public streets and highways.

767a. The city shall have power to and may pass a by law to contract a debt, not exceeding \$150,000, by the issue and sale of debentures, to supplement any grants or subsidies that may be obtained for the purposes hereinafter set forth. A by law incurring such debt shall be submitted to the electors duly qualified to vote upon by laws requiring the assent of the electors, and shall be for the purpose of providing the means for constructing a bridge across the Red River from a point at or near the intersection of Lombard street with said river or the west side thereof or from a point along the course of the said river on the west side thereof, between Alexander avenue and Lombard street, to a point on the east side of said river, and for the purpose, if in the opinion of the council it is deemed advisable of purchasing a bridge across the Red River known as the Norwood bridge. The debentures to be issued thereunder shall be payable at a period to be fixed by the council, not later than fifty years from the date of issue, and shall bear interest at a rate prescribed by the council, and be payable at such times as the council may provide, and for such purpose the council may or may not prescribe the levy of a sum by way of sinking fund. Such debentures when issued and sold shall be a valid and binding charge upon the city.

(a) The city is hereby authorized to construct said bridge (subject to approval, as to the manner and place of construction, by the Government of the Dominion of Canada) and shall have authority to construct the necessary approaches thereto on both sides of the river and, if necessary to purchase or obtain by expropriation proceedings, such land as may be required for the purpose of streets ending to said bridges from public streets and highways.

(b) The provisions of this Act, as to obtaining lands by expropriation by the city, shall apply to any lands requisite for the aforesaid purposes whether the same be on the west or east side of the river.

767c. The city shall have power to pass a by law to contract a debt not exceeding \$200,000, by the issue and sale of debentures, to supplement any grants or subsidies or any other sums from any source whatsoever that may be obtained, for the purposes hereinafter set forth. The by law incurring such debt shall be submitted to the electors duly qualified to vote upon by laws requiring the assent of the electors, and shall be for the purpose of providing the means for constructing an overhead bridge over the railway yard of the Canadian Pacific Railway at such location, between the present overhead bridge at Sault street and McPherson street, as the council may determine. The debentures to be issued thereunder shall be payable at a period to be fixed by the council, not later than fifty years from the date of issue, and shall bear interest at a rate prescribed by the council, and be payable at such times as the council may provide, and for such purpose the council may or may not prescribe the levy of a sum by way of sinking fund. Such debentures when issued and sold shall be a valid and binding charge upon the city.

(a) The city is hereby authorized to construct the said overhead bridge, and shall have authority to construct the necessary approaches thereto on both sides of the said railway yard and if necessary to purchase or obtain, by expropriation proceedings, such land as may be required for the purpose of streets ending to the said overhead bridge from public streets and highways, or widening any street or streets for such approach or approaches.

(1752 of Cap of C. 75 (1907))

(b) The provisions of this Act, as to obtaining lands by expropriation by the City, shall apply to any lands requisite for the aforesaid purposes, whether the same be on the west or east side of the river.

Expropriation of land requisite for bridge

767b) see on fly leaf opposite

CONTRACTS WITH MEMBERS OF COUNCIL.

DIRECTORS, ETC., VOID.

768. In case a member of the Council, either in his own name or in the name of another, and either alone or jointly with another, enters into a contract of any kind, or makes a purchase or sale, in which the corporation is a party interested, the contract, purchase or sale shall be held void in any action thereon against the corporation. (Sec. 661, Municipal Act.)

Contracts by members with corporation, void in any action thereon

769. No director, trustee, or officer of the board of any public hospital, exhibition board, or society, or other organization receiving grants or payments from the City under the authority of any statute or act now, passed, either in his own name or in the name of another or alone or jointly with another, enter into any contract of any kind or make a purchase or sale in which the corporation of which he is a director, trustee or officer is a party interested. Any contravention of this section shall be held to be a disqualification of such person to continue to hold office as a director, trustee or officer aforesaid, and such contract, purchase or sale shall be held void in any action thereon against such corporation. (Sec. 25, Cap. 24, 62 and 63 Vic., 1869.)

Directors, trustees and officers of corporations prohibited to make contracts with them.

TENDER OF AMENDS.

770. The Council, upon any claim being made or action brought for damages for alleged negligence on the part of the City, may tender or pay into Court as the case may be, such amount as they may consider proper compensation for the damages claimed, and in the event of the non-acceptance by the claimant of such tender or the amount paid into Court, the action being proceeded with and a verdict being obtained for no greater amount than the amount so tendered or paid into Court, costs of suit shall be awarded to the defendant, and may be set off against any verdict which shall have been obtained against them. (Sec. 662, Municipal Act.)

Tender of compensation in action for damages

EXECUTION AGAINST THE CITY

771. Any writ of execution against the City may be enforced with a warrant to the sheriff to levy the amount

Process against City

thereof by rate, and the proceedings thereon shall then be the following:—

Sheriff to deliver copy of writ, and statement of claim to Treasurer

(a) The sheriff shall deliver a copy of the writ and endorsement to the Treasurer or leave such copy at the office or dwelling-house of that officer with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including in such amount the interest calculated to some day as near as is convenient to the day of the service;

If claim not paid rate to be struck by sheriff

(b) In case the amount, with interest thereon from the day mentioned in the statement, be not paid to the sheriff within a week after the service, the sheriff shall examine the assessment rolls of the City and shall strike a rate sufficient in the dollar to cover the amount due on the execution, with such addition to the same as the sheriff deems sufficient to cover the interest, his own fees and the collector's percentage, if any, up to the time when the rate will probably be available,

Sheriff's precept to all collectors to levy rates

(c) The sheriff shall thereupon issue a precept or precepts, under his hand and seal of office, directed to the tax collector, and shall on the precept, after reciting the writ and that the City has neglected to satisfy the same, command the tax collector to levy such rate at the time and in the manner by law required in respect of the general annual rates,

Rate rolls

(d) In case, at the time for levying the annual rates next after the receipt of such precept, the tax collector has a general rate roll delivered to him for such year he shall add a column thereto headed "Execution rate as A B vs The City of Winsted" or as the case may be adding a similar column for each execution, if more than one, and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time he is required to make the returns of the general annual rate, return to the sheriff the precept with the amount levied thereon, after deducting his percentage, if any,

Receipts

(e) The sheriff shall, after satisfying the execution and all fees thereon, pay any surplus, within ten days after receiving the same, to the Treasurer, for the general purposes of the City;

After execution levied, sheriff's receipt must include rate to cover same

(f) After said copy has been so delivered, the Council shall not pass any by-law levying an annual rate or rates without including a rate sufficient to satisfy said execution, unless at the time said by-law is passed the said execution

has been satisfied. Any by-law passed in contravention of this provision shall be illegal. (Sec. 663, Municipal Act.)

772. The Clerk, Treasurer, Assessment Commissioner and Collector of Taxes of the City shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such executions, be deemed to be officers of the Court out of which the writ issued, and as such shall be amenable to the Court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties hereby imposed upon them. (Sec. 664, Municipal Act.)

Clerk, Treasurer, etc., to be officers of the Court from which writ issued.

APPEALS FROM POLICE MAGISTRATE

773. In cases in which an appeal shall be taken to a County Court Judge from a decision or ruling of a Justice or two Justices of the Peace, or a Police Magistrate, either party to such appeal may appeal from the decision of such County Court Judge, to a Judge of the Court of King's Bench and thereafter to the full Court of King's Bench. Such appeal from the decision or ruling of a County Court Judge may be taken in the same manner, and subject to the same rules of law and procedure, as an appeal from the decision of a County Court Judge under "The County Courts Act," and amendments. (Sec. 664 (a), Municipal Act, Ont.)

Appeals from County Court Judge to King's Bench

ARBITRATION AND EXPROPRIATION

774. The Council shall make to the owners or occupiers of, or other persons interested in, real property entered upon, taken or used by the City in the exercise of any of its powers, or injuriously affected by the exercise of its powers, due compensation for any damages, including cost of fencing, when required, necessarily resulting from the exercise of such powers beyond any advantage which the claimant may derive from the contemplated work, and any claim for such compensation, if not mutually agreed upon, shall be determined by arbitration under this Act. (Sec. 665, Municipal Act.)

Compensation for lands taken or required by City

775. Every such claim, except in the case of infants, lunatics and persons of unsound mind, shall be made within one year from the date when the real property was so entered upon, taken or used, or when the alleged damages were sustained or became known to the claimant, or, in case of a continuance of damages, then within one year from the time when the cause of action arose or became known to the claimant. Any claim now existing of the nature aforesaid may

Limitation of claims for compensation

be made within one year from the passing of this Act, but not afterwards, except in the case of infants, lunatics or persons of unsound mind. (See 438, Municipal Act, Ont.)

City taking
lands for
public works

Plans, etc.

Notice

Serving of
notice

Notice of
persons entitled
to file claim

Time within
which claims
to be made

Persons
entitled to
appeal

776. Wherever the Council is desirous of entering upon any public work or undertaking in the pursuance of which any real property may be entered upon, taken or used by the corporation in the exercise of any of its powers, or may be injuriously affected by the exercise of its powers, the Council may lay plans and specifications of the work or undertaking, or certified copies thereof, with the Clerk, who shall on receiving the same issue a notice setting out the Council's intention to proceed with such work or undertaking, and to enter upon, take or use the lands necessary therefor, and that such plans and specifications have been filed with him and may be inspected at his office, and that all claims for damages by reason of the said proposed work or undertaking must be filed with him within sixty days from the service of such notice, and that such owners, occupiers or other persons must file with the said Clerk, within the said period of sixty days, their claims for damages for any of the causes aforesaid, showing the amount thereof, or that in default thereof any claim for such damages will be barred, and he shall cause such notice to be served upon the owners and occupiers of or other persons interested in the said real property to be so taken, entered upon or used as aforesaid, or which may be injuriously affected as aforesaid. (See 439, Municipal Act, Ont.)

777. In case the person served as aforesaid is, at the time of such service, resident outside the Province of Manitoba, a further period of thirty days shall be allowed such person, to file his claim. (See 420, Municipal Act, Ont.)

778. All such claims shall be made pursuant to the said notice, and may be made by the said persons resident within the Province, within sixty days after the service of such notice, or by the said persons outside of the Province, within the said further period of thirty days, shall be barred, and a final order made upon application to the Judge of the County Court of Winnipeg, and upon giving to the said Council at least seven days' notice of such application, such Judge hears the claims in a public and summary fashion, and may appeal from the decision of the Judge to the Court of King's Bench, but every such appeal shall be made before the said order is made and executed, and within a period of one year from the service of the said notice. (See 440, Municipal Act, Ont.)

779. If any person is dissatisfied with the decision of the said Judge, he may appeal from the same, unless accepted by the Council, and if the

enter upon, take or use said lands and
construct thereupon any necessary works, and, as shall be
directed by by law, may before or after such entry" *pid 7*

with be determined by arbitration under this Act. (Sec. 441, Municipal Act, Ont.)

780. The person making a claim shall deliver full particulars of the damages for which such claim is made, and the arbitrator or arbitrators, upon the hearing of the claim, shall have the same power as to amendment generally, or to amend such claim or particulars or any proceeding had or taken upon the hearing thereof, as a Judge would have in any action; and the arbitrator or arbitrators may, in his or their discretion, refuse at any time to hear upon any matter or question, further evidence of a cumulative character (Sec. 442, Municipal Act, Ont.)

Particulars to be delivered.

781. Nothing in the four last preceding sections contained shall bar or extinguish any claim when the plans and specifications filed do not reasonably and sufficiently disclose the damage that may be sustained. (Sec. 443, Municipal Act, Ont.)

Claims not barred where plans insufficient

782. The Council, in all cases where claims for compensation or damages are made against it, which, under the provisions of this or any other Act, are declared to be the subject of arbitration in the event of the parties not being able to agree, may tender to any person making such claim such amount as they may consider proper compensation for the damage sustained or lands taken, and in the event of the non-acceptance by the claimant or claimants of the amount so tendered and of the arbitration being proceeded with, and if an award be obtained for an amount not greater than the amount so tendered, the costs of the arbitration and award shall, unless otherwise directed by the arbitrator, be awarded to the City and set off against any amount which shall have been awarded against it. (Sec. 660, Municipal Act.)

Tender of compensation in respect of lands

783. In any case where the Council deems it requisite to acquire real property for the purposes of a street, highway, lane, square, public place, market or park, or bridge, or for the construction of a public building or drain, water course or sewer, or for a system of waterworks within the city, or for extending, continuing, diverting, widening or enlarging any of the same, the City may acquire the same by purchase or lease, or by expropriation, as hereinafter provided; and the Council may direct, either before or after it has acquired the said property, that the cost of the same and of making the desired improvements shall be paid for out of the City funds or shall be wholly or partly assessed upon the pieces or parcels of land belonging to parties interested in or benefited by the said improvements or public purposes. (Sec. 686, Municipal Act.)

Expropriation power of City

or arbitration
19

Sales, conveyances and contracts by incapacitated persons of all to be void.

784 All corporations or bodies, and all persons, guardians, executors, administrators or trustees, who are or shall be seized or possessed of or interested in any piece or pieces, lot or lots of ground or real property, within the city, selected by the Council for any of the purposes aforesaid, may, not only for themselves, but for and on behalf of all persons whom they represent or for whom, or in trust for whom, they are or shall be seized or possessed or interested, whether minor or, issue unborn, lunatics, those females coverts or other persons, contract for, sell and convey such piece or pieces, lot or lots of ground or real property with and to the City and such contracts, sales and conveyances shall be valid and effectual in law for conveying the estate or any interest therein to all intents and purposes whatever, any law or custom to the contrary notwithstanding; and the City shall not in any case be responsible for the application of the purchase money, and all corporations and persons whatsoever, so contracting, selling or conveying as aforesaid, are hereby indemnified for and in respect of such sale or conveyance which he, she or they may respectively make by virtue of or in pursuance of this Act, without, however, compensating in any manner whatever the responsibility of such corporation or persons towards those whom they represent, as regards the purchase money or compensation of such sale or conveyance. (Sec. 607, Municipal Act.)

Liability of the City.

Persons of absent officers.

785 In case there be no such person who can so act in respect to such real property, or in case any person interested in respect to any such real property be absent from this Province or be unknown, or in case his residence be unknown or he himself cannot be found a Judge of the County Court for the Judicial District in which such property is situate may on the application of the City, appoint a person to act in respect to the same for all or any of the said purposes. (Sec. 608, Municipal Act.)

Interest only to be paid to certain persons.

786 In case any person acting as aforesaid has not the absolute estate in the property, the City shall pay to him the interest only, at the rate of five per centum per annum on the amount to be paid in respect of such property, and shall retain the principal to be paid to the person entitled to it whenever he claims the same and exercises a valid receipt therefor, unless a Judge of the County Court for the Judicial District wherein the land lies in the meantime direct the City to pay the same to any person or into Court; and the City shall not be bound to see to the application of any interest so paid or of any sum paid under direction of such Court. (Sec. 609, Municipal Act.)

787 The compensation or damages which may be agreed upon or awarded for any land taken or injuriously affected by the City in the exercise of its corporate powers shall stand in the stead of such lands and shall be subject to the institutions and charges (if any) to which the said lands were subject, and any claim to or incumbrance upon the said lands, or to or upon any portion thereof, shall, as against the City, be converted into a claim to the money so paid, or to a like proportion thereof. (Sec. 445, Municipal Act, Ont.)

Compensation agreed upon or awarded for land.

Incumbrances subject to and in which case compensation will be paid into the Court.

788 In case of expropriation proceedings being taken by the City, if so desired by the Council, the compensation to be paid to or provided for the owners of said lands shall be fixed and determined as hereinafter provided. (Sec. 498, Municipal Act.)

Compensation fixed.

789 In all cases where claims are made for compensation for damages by the owners or occupants of, or other persons interested in, lands entered upon, taken or used by the City, or alleged to have been injuriously affected by the City in the exercise of any of its powers, in the event of the corporation not being able to agree with the claimant or claimants on the amount of compensation to be made, or if the amount claimed does not exceed one thousand dollars, the same shall be settled or determined by the award of a Judge of the County Court of Winnipeg, sitting as sole arbitrator, or at the option of either party, by such other sole arbitrator as such Judge on application made by either party to him upon notice to the other party, may appoint for the purpose. (Sec. 493, Municipal Act.)

Arbitration by County Judge or other sole arbitrator.

790 Either party shall be entitled to at least seven days' notice, exclusive of the day of the service of the notice, of the said arbitrator party to have an arbitrator, and seven days' notice, exclusive of the seven days above mentioned and of the day of the service of the notice, shall be given of any application to the Judge to appoint any sole arbitrator as aforesaid. (Sec. 494, Municipal Act.)

Notice.

791 So far as applicable the provisions of the sections of this Act numbered from 784 to 788, inclusive, shall apply to arbitrations under the last two preceding sections.

Application of certain sections of this Act providing same.

792 If, in the opinion of the Court of King's Bench or any Judge thereof, there is reason to fear any claims or incumbrances, or if any person to whom the compensation or damages or any part thereof is payable refuses to execute the proper receipts or guarantee, or cannot be found, or is unknown to the corporation, the corporation may pay such compensation into the office of the accountant of the Court of

Compensation being paid into Court.

King's Bench, with interest thereon at 5 per centum per annum for six months, and may deliver to such accountant as a trustee copy of the conveyance or of the award or agreement as the case may be, and such award or agreement or conveyance shall, thereafter be deemed to be the title of the corporation to the land therein mentioned. (Sec. 440, Municipal Act, Ont.)

Notice to be given, when notice is given.

793. A notice, in such form and for such time as any Judge of the Court of King's Bench may direct, shall be inserted in a newspaper, published in the City. Such notice shall state that the title of the corporation under such agreement, award or conveyance is under this Act, and shall call upon all persons entitled to the lands or to any part thereof so taken or injuriously affected to file their claims to the said compensation money or any part thereof, and all such claims shall be received and adjudicated by the Court of King's Bench or any Judge thereof. (Sec. 446, Municipal Act, Ont.)

Costs.

794. The costs of the proceedings, including proper allowances to witnesses, shall be paid by the corporation or by such other person as the said Court or any Judge thereof may order, and if the said order of contribution is obtained less than three months from the payment into Court of the said compensation money, the Court or any Judge thereof may direct any proportionate part of such interest to be returned to the said corporation. (Sec. 446, Municipal Act, Ont.)

Judgment shall bar all claims.

795. The judgment in such proceedings shall forever bar a claim to the lands or any part thereof, as well as any mortgage or incumbrance upon the same, and the Court or Judge shall make such order for distribution, payment or investment of the said compensation money, and for securing the rights of all persons interested therein as may be necessary. (Sec. 446, Municipal Act, Ont.)

APPOINTMENT OF ARBITRATORS.

Appointment how made.

796. The appointment of all arbitrators shall be in writing under the hands of the appointors or in case of a corporation, under the corporate seal and authenticated in like manner as a by-law. (Sec. 671, Municipal Act.)

Council or Mayor may appoint for the City.

797. The arbitrators on behalf of the City shall be appointed by the Council thereof, or by the Mayor if authorized by a by-law of the Council. (Sec. 672, Municipal Act.)

Either party may appoint an arbitrator and give notice to the opposite party.

798. In cases where arbitration is directed by this Act, either party may appoint an arbitrator and give notice thereof in writing to the other party, calling upon such party to

appoint an arbitrator on behalf of the party to whom such notice is given. A notice to the City shall be given to the Mayor or acting Mayor. (Sec. 673, Municipal Act.)

799 The two arbitrators appointed by or for the party Third arbitrator
ies shall, within seven days from the appointment of the last to be appointed
lastly named of the two arbitrators, appoint, in writing, a third arbitrator. (Sec. 674, Municipal Act.)

800 In cases where more than two municipalities are When more
interested, each of them shall appoint an arbitrator, and in than two
such case, if there be an equal number of arbitrators, the arbitra- municipalities
tors so appointed shall appoint another arbitrator or, in default at the expiration of twenty-one days after such arbitrators have been appointed, a Judge of the County Court of Windsor may, on the application of any one of the municipalities interested, appoint such arbitrator. (Sec. 675, Municipal Act.)

801 In case of an arbitration between the City and Provision in
other municipal corporations, if, for twenty-one days after case of conflict
having received such notice the party not first cited to ap- to appoint
point an arbitrator or if for seven days after the second arbitrator has been appointed the two arbitrators meet to appoint a third arbitrator, then a Judge of the County Court of Windsor may appoint an arbitrator for the party or arbitrators in default, or a third arbitrator, as the case may require. (Sec. 676, Municipal Act.)

802 In case of an arbitration between the City and Arbitration as
the owners or occupiers of, or other persons interested in, to real
real property entered upon, taken or used by the City in the property
exercise of any of its powers or injuriously affected thereby, taken or re-
if, after the passing of the by-law, any person, interested quired by the
in the property, appoints and gives due notice to the Mayor of City
his appointment of an arbitrator to determine the compensation to which such person is entitled the Mayor shall, if authorized by by-law, within seven days appoint a second arbitrator and give notice thereof to the other party and shall express clearly in the notice what powers the Council intends to exercise with respect to the property, describing it. (Sec. 677, Municipal Act.)

803 In such last mentioned arbitration if, after ser- Provision if
vice on the owner or occupier of, or persons so interested in, owner of prop-
the property of a copy of a by-law, certified under the hand erty fails to
of the Clerk to be a true copy, the owner or occupier or per- name arbitra-
son so interested, on or for twenty-one days to name an arbi- tor
trator and give notice thereof as aforesaid, the Council or the Mayor, if authorized by by-law, may name an arbitrator on

behalf of the City, and give notice thereof to the owner, occupier or person so interested, and the latter shall, within seven days thereafter, name an arbitrator on his behalf. (Sec. 678, Municipal Act.)

Whereas real parties have a dispute as to the value of property

804. In case there are several persons having distinct interests in property in respect of which the corporation is desirous of exercising the powers referred to in section 802 of this Act under a by-law in that behalf passed, whether such persons are all interested in the same piece of property or some or one in a part thereof and some or one in another part thereof and in case the by-law or any subsequent by-law provides that the claims of all should be in the opinion of the Council, be disposed of by one award such person shall have twenty-one instead of seven days to agree upon and give notice of the appointment of an arbitrator jointly appointed in their behalf before a Judge of the County Court of Winnipeg shall have power to name an arbitrator for them. (Sec. 679, Municipal Act.)

Where the real parties do not wish to appoint an arbitrator in certain cases

805. If such owner, occupier or person so interested or the Mayor whether from want of authority in that behalf or otherwise omit to name an arbitrator within seven days after receiving notice to do so, or if the persons having distinct interests as aforesaid fail to name an arbitrator within twenty-one days after receiving notice to do so, or if the two arbitrators do not within seven days from the appointment of the last named of the two arbitrators agree on a third arbitrator, or if any of the arbitrators refuse or neglect to act, a Judge of the County Court of Winnipeg on the application of either party shall nominate as an arbitrator a fit person residing without the limits of the City to act for the party failing to appoint or as such third arbitrator, or in the stead of the arbitrator refusing or neglecting to act, and such arbitrators shall forthwith proceed to hear and determine the matters referred to them. (Sec. 680, Municipal Act.)

Persons disqualified from acting as arbitrators

806. No member, officer or person in the employment of the City, nor any person so interested, shall be appointed or act as an arbitrator in any case of arbitration under this Act. Nothing in this act or contained shall prevent the appointment of or discharge as an arbitrator any person by reason merely that such person is a ratepayer of or within the City. (Sec. 681, Municipal Act.)

Appointment of arbitrator not to be admission of liability

807. The appointment of an arbitrator shall not be deemed to be an admission of any liability on the part of the City, and all defenses and objections shall be open to either party as if an action had been brought. (Sec. 455, Municipal Act, Ont.)

PROCEDURE IN CASE OF ARBITRATION

808 Every arbitrator, before proceeding to try the matter of the arbitration, shall take and subscribe the following oath or solemn affirmation before any Justice of the Peace.—

Arbitrators to be sworn or affirm.

"I (A. B.) do swear (or solemnly, as secretly and truly declare and affirm) that I will well and truly try the matters referred to me by the parties, and a true and impartial award make in the premises, according to the evidence and my skill and knowledge. So help me God." (Omit last four words in case of an affirmation.) (Sec. 682, Municipal Act.)

Vows of oath or affirmation.

809 The arbitrators shall, within twenty days after the appointment of the third arbitrator, meet at such place as they may agree upon, to hear and determine the matter in dispute, with power to adjourn from time to time, and shall make their award in writing, which shall be binding on all parties, and one copy thereof shall be filed with the Clerk of one of the municipalities interested. (Sec. 683, Municipal Act.)

Time of meeting, etc.

810 The arbitrators shall have power to award the payment by any of the parties to the other of the costs of the arbitration, or of any portion thereof, and may direct either the payment of a fixed sum or that the costs shall be taxed on the scale of the Court of King's Bench, in which last mentioned case the costs shall be taxed by the officer of such Court in the Judicial District in which the arbitration took place, without any further order, and the amount shall be payable one week after taxation. (Sec. 684, Municipal Act.)

Costs.

811 In case of a difference between the arbitrators, the decision of the majority of them shall be conclusive. (Sec. 685, Municipal Act.)

Majority to decide.

812 In any of the cases herein provided for, the arbitrators shall make their award within three months after the appointment of the third arbitrator, unless the parties to the arbitration agree to an extension of the time. (Sec. 686, Municipal Act.)

Time for making award.

813 If one or more of the said arbitrators at any time after his or their appointment shall fail in the due performance of the duties assigned to him or them in and by this Act, or shall not fulfil the said duties as a faithful, diligent and impartial manner, it shall be lawful for the City or other party interested by its or his attorney to apply, by summary

Provision for removal of arbitrator.

petition, to a Judge of the County Court of Winnipeg, to stay the proceedings of the said arbitrators, and to remove and replace the arbitrator or arbitrators who may have forfeited or violated his or their obligations, or neglected his or their duties, or to appoint one or more arbitrators in the place of any whose services may have been or may be dispensed with for any cause, and upon such petition the said Court or Judge shall make such order as may be deemed conformable to justice. (Sec 702, Municipal Act.)

Arbitrators to
have plan

814 If requested by the arbitrators or one of them, it shall be the duty of the surveyor appointed by the City to furnish them forthwith with a plan or map showing the pieces or parcels of ground or real estate to be expropriated. (Sec. 703, Municipal Act.)

Pay for
arbitrators

815 The arbitrators shall be entitled to receive a remuneration not exceeding five dollars per day each, during the whole time they of necessity shall be occupied in the performance of the said duties. (Sec 704 Municipal Act.)

Inspection of
title deeds

816 The said arbitrators may, if they deem proper, call upon the proprietors or parties interested to give them inspection of the title deeds, and upon refusal to comply with such demands the said arbitrators are hereby authorized to procure copies of said deeds at the cost of the said proprietors or parties interested, and the amount of said costs shall be deducted from the price or compensation to be finally awarded to the said proprietors or parties interested in the expropriation. (Sec 705, Municipal Act.)

Arbitrators to
determine
price, hear
parties and
make awards

817 It shall be the duty of the said arbitrators diligently to proceed to appraise and determine the amount of the price, indemnity or compensation, if any, which they shall deem just and reasonable for the pieces or parcels of land the expropriation whereof shall have been resolved on by the Council, or for the damages (if any) caused by such expropriation, and the same arbitrators may at one and the same time act and adjudicate upon the price or compensation for all and every the pieces or parcels of land, buildings or parts of buildings thereon erected, required for any improvement which the Council may have ordered to be made or carried out, and the said arbitrators are hereby authorized and required to hear the parties and to examine and interrogate their witnesses, as well as the members of the Council and the witnesses of the City, but the said expropriation and interrogatories shall be made viva voce upon oath and the answers thereto shall be reduced to writing and for this purpose it shall be sufficient if the evidence taken in shorthand shall

817A. (1) The arbitrators, or any one or more of them, appointed under this Act to make any enquiry, report or award may— Power of arbitrators.

(a) Enter upon and inspect any property place, building or works, being the property or under the control of any person, company, firm or corporation, the entry or inspection of which appears to him or them requisite, Inspection of property.

(b) Require the attendance of all and any such persons or person as he or they may think fit to call before him or them and examine and require answers or return to such enquiries as he or they may think fit to make, Summoning witnesses.

(c) Require the production of all books, papers, plans, documents, reports, accounts, letters, writings, specifications, drawings and documents relating to the matter before him or them. Production of documents.

(2) The said arbitrators, or any one or more of them, shall have the like power of summoning witnesses and enforcing their attendance, and compelling them to give evidence and produce books, papers, writings or things which they may be required to produce, and of punishing witnesses for neglect or disobedience, as is vested in any Court in civil cases. Power same as any civil court.

(3) Every person summoned to attend before the arbitrators shall be entitled to receive the like fees and allowances for so doing as if summoned to attend before the Court of King's Bench. Disobedience of any summons to witness shall be deemed a contempt of Court and shall be punishable in the same manner and to the like extent as in case of summonses to witnesses issued out of the Court of King's Bench in a civil case. Fees to witnesses.

196 Ca. 18 Cap. 48. Sec. 19 (1906) Disobedience to subpoena.

have been afterwards extended without signature of witnesses and shall be annexed to the award to be made by the said arbitrators. Provided that if in the discharge of the duties hereinafter on the said arbitrators by virtue of this Act, there shall occur a difference of opinion between them as to the value of the piece of land or real estate about to be expropriated, or upon any other question within their province, the decision of an award in writing of two of the said arbitrators shall have the same force and effect as if all the said arbitrators had concurred therein. (Sec. 706, Municipal

Existence in writing

Two may decide

Act 707(a) see as fly leaf

818. In every case where the Council may have resolved to carry out and execute any of the works or improvements of sewers, the said arbitrators shall be held to determine an award, when the expropriation shall apply to or affect but a portion of the property or real estate, what may be the damage to or deterioration in value of the residue of the property by the separation from it of the part required by the said Council, and they shall determine first, the intrinsic value of the part of the property and premises to be taken, and secondly, the increased value (if any) of the residue of the property caused by the proposed improvement and thence the damage or depreciation that may be caused to such residue of the property by reason of the expropriation of a part or portion thereof, and the difference between the intrinsic value of the part of the property and premises required and the increased value aforesaid, or the intrinsic value of such portion of the property and such damages as may be ascertained, shall constitute the price or compensation which the party or parties interested shall be entitled to, and, when the said arbitrators shall determine and award that the increased value is equivalent to, or in excess of the intrinsic value of the part of the property and premises required, then they shall not award any price or compensation for the part so required or liable to expropriation. (Sec. 707, Municipal Act.)

Manner of making award

819. In case any of the arbitrators should after being appointed die or be unable to act, the said County Court Judge shall upon a summary application to that effect, to be presented to the Court after such notice as the Court or Judge may direct replace such arbitrator by another competent and disinterested person, upon whom the same office shall be binding in the manner as upon his predecessor. (Sec. 708, Municipal Act.)

Appointment of new arbitrator

820. The City shall, within one month from and after the making of the award of the said arbitrators, make in the hands of the Clerk of the County Court, whose duty it shall

Deposit of price in cash City Act 707

be to grant the said City a written acknowledgement thereof, a deposit of the price or compensation and damages settled and determined in and by the said award, and the act of such deposit shall constitute, in behalf of the City, a legal title to the said pieces or parcels of land, and from thence all profits of, or other persons whatsoever interested in, the said pieces or parcels of land shall lose any be divested of all rights or claims thereto, except such as may be reserved by such award, and the said piece or pieces or parcel of land shall be vested in the City, subject as aforesaid, and the Council may of right and without any further formality enter into possession of and use the same for any of the purposes authorized by this Act any law, statute or usage to the contrary notwithstanding. (Sec. 711, Municipal Act.)

**Discharge of
debts by award.**

821. Any expropriation made by virtue of this Act shall have the effect of releasing and paying off all mortgages or privileges with which the said pieces or parcels of land or real estate may be burthened or encumbered at the time that the price or compensation deposited in the hands of the Clerk as aforesaid shall be held to represent the said pieces or parcels of land as regards all mortgages, liens, holders or privileging creditors, and the same shall be due to any and all householders, whose rank and priority shall be preserved in the distribution to be made of the money deposited conformably to this Act, and such distribution shall be made and determined by order of the said Judge in such manner as may by him be deemed advisable and just to the parties interested. (Sec. 712, Municipal Act.)

**Expropriation
certificate of
Judge may be
registered.**

822. Upon application of the City by its attorney, the said County Court Judge, over his signature and the seal of the County Court, shall grant a certificate, describing the land expropriated, the amount awarded for same, the payment into Court of said amount in that said lands were expropriated under the provisions of this Act, which certificate may be registered in the proper Registry office or Land Titles office without proof by affidavit or otherwise of such signature or seal. (Sec. 713, Municipal Act.)

**Awards to be
made by at
least two
arbitrators
and subject to
participation of
King's Bench.**

823. Every award made under this Act shall be in writing under the hands of all or two of the arbitrators, and shall be subject to the jurisdiction of the Court of King's Bench, as if made on a submission by a bond or otherwise containing an agreement for making the submission a rule or order of such Court, and, in the cases provided for by section 802 of this Act the Court shall consider not only the legality of the award, but also the merits as they appear from the proceedings so filed as aforesaid, and may call for additional evidence, to be taken in any manner the Court directs, and

25. House is to provide for
the purchase of the land
House has no doubt as to this
States clearly the sum awarded

Edw. C. 48 (1902)

may, either without taking such evidence or after taking such evidence, set aside the award, or remit the matters referred or any of them, from time to time, to the consideration and determination of the same arbitrators, or to any other persons whom the Court may appoint, and fix the time within which such further or new award shall be made, or the Court may itself increase or diminish the amount awarded or otherwise modify the award, as the justice of the case may seem to require. (Sec. 687, Municipal Act.)

Power of the Court in such cases.

824. In case of an award under this Act, which does not require adoption by the council, or in case of an award to which the City is a party and which is to be made in pursuance of a submission containing an agreement that the provisions of this Act should apply thereto, the arbitrator or arbitrators shall take and immediately after the making of the award shall file with the Clerk for the inspection of all parties interested full notes of the oral evidence given on the reference, and also a documentary evidence or a copy thereof, and in case they proceed partly on a view, or any knowledge or skill possessed by themselves or any of them, they shall also put in writing a statement thereof, sufficiently full to allow the Court to form a judgment of the weight which should be attached thereto. (Sec. 688, Municipal Act.)

Notes of oral evidence submitted to be taken and filed in certain cases.

825. In case the award relates to property to be entered upon, taken or used, as mentioned in section 802, and in case the by-law did not authorize or profess to authorize any entry or use to be made of the property before an award has been made except for the purpose of survey, or in case the by-law did give or profess to give such authority, but the arbitrators find that such authority had not been acted upon, the award shall not be binding on the corporation unless it is adopted by by-law, within three months after the making of the award, and, if the same is not so adopted, the original by-law shall be deemed to be repealed, and the property shall stand as if no such by-law had been made, and the corporation shall pay the costs of the arbitration. (Sec. 689, Municipal Act.)

Award as to land not to be binding except as to the extent authorized by law in certain cases.

826. An award not binding upon the Council until adoption, as mentioned in the last preceding section, shall, if adopted, be subject to the jurisdiction of the Court of King's Bench and to be reviewed on the merits, at the instance of the person whose property is affected or taken in the same manner as is provided by section 693 of this Act in respect of any award not requiring adoption, and the provisions of sections 802 and 805 of this Act shall hereafter extend to every such award. (Sec. 690, Municipal Act.)

Power of Court to review awards adopted by Council.

Time for moving adjacent parcels.

827. The award may be moved against within one month next after the adoption thereof, excluding vacations (Sec. 691, Municipal Act.)

Provisions as applied to all cases of appointment of damages.

828. All the provisions herein contained, with regard to the appointment of arbitrators and the mode of ascertaining the value of the party or pieces or parcels of land taken by the Council shall, as far as may be, apply and are hereby extended to all cases in which it shall become necessary to ascertain the amount of compensation to be paid by the City to any proprietor of land or its representative for any damage to or loss or injury sustained by reason of any alteration made by order of the Council in the line or level of any street, footpath or sidewalk, or by reason of the removal of any established or proposed to be removed under any law of the Council, for which they or such City are bound to make compensation, and with regard to the amount of compensation for which damage the party sustaining the same and the Council shall not agree, and the amount of such compensation shall after award, be paid at once by the City to the party having a right to the same without further formality, and any person who shall erect or build, or whatever upon or contiguous to any established or contemplated street, public place or square in the City without having previously obtained from the City Engineer or Surveyor the leave and line of such street, public place or square shall forfeit his or her claim for damages or compensation by reason of any injury caused to the property or building where such leave or line shall be settled and determined by the Council or its officers under its direction. (Sec. 714, Municipal Act.)

Special assessment notices.

829. Special assessments under authority of section 781 of this Act shall be made in the same manner and subject to the same appeal and governed by the same decisions, and shall be collected by the same process as is provided by this Act in the case of ordinary assessments, or under the local improvement clauses of this Act, as the Council may determine. (Sec. 715, Municipal Act.)

Survey and plans of lots.

830. All future surveys into building lots of property within the City by owners or others shall be subject to the approval of the City Surveyor and no plan shall be registered unless it is certified by the City Surveyor as having been approved. (Sec. 716, Municipal Act.)

Building plans and other lots.

831. The Committee on Works and Property may sanction the subdivision of any property already subdivided into building lots on any plan of subdivision of such lots shall be certified by the City Surveyor as having been approved before registration thereof and no plans so approved

[illegible]

shall require an order from any Judge allowing such subdivision to be made. (Sec. 717, Municipal Act.)

REWARDS FOR RECOVERY, ETC., OF CRIMINALS.

832. The Council may, in the event that a crime is proved to have been committed in the City, offer and pay a reward for the discovery, apprehension or conviction of the criminal, or of any person who is suspected to be the criminal. (Sec. 719, Municipal Act.)

Rewards for
apprehension
of criminals.

INVESTIGATION OF CHARGES OF MISCONDUCT IN RELATION TO MUNICIPAL MATTERS.

833. In case the Council at any time shall pass a resolution requesting a Judge of the County Court of Winnipeg to investigate any matter to be mentioned in the resolution, and relating to a supposed misdemeanour, breach of trust or other misconduct on the part of any member of the Council or officer of the City, or of any person having a contract therewith in relation to the duties or obligations of the member, officer or other person to the City, or in case the Council see fit to cause inquiry to be made into or concerning any matter connected with the good government of the City or with the conduct of any part of the public business thereof, and if the Council at any time pass a resolution requesting such Judge to make the inquiry, the Judge shall inquire into the same, and shall for that purpose have all the powers which may be conferred upon commissioners under the Act intitled "An Act respecting Commissioners to make inquiries concerning Public Matters" and the Judge shall with all convenient speed, report to the Council the result of the inquiry and the evidence taken thereon. (Sec. 720, Municipal Act.)

Investigation
by County
Judge of
charges of
misconduct
by City offi-
cers.

— " if you are equal
to
" if you are not equal
to

Powers of
Judge.

834. The Judge of the County Court holding such investigation shall be entitled to receive, and shall be paid by the City the sum of five dollars per day. (Sec. 721, Municipal Act.)

Fee payable
to County
Judge.

PROTECTION OF PROPERTY

835. Any person who shall wilfully and intentionally injure any property of the City or any work constructed by the City, under the provisions of this or any other Act, shall, upon conviction, be liable to a fine of not less than five dollars nor more than fifty dollars and costs, and, in default of payment, to imprisonment for not less than one week or more than two months. (Sec. 722, Municipal Act.)

Penalty for
wilful injury
to work.

**Penalty for
injury to
drains.**

836 Any person who shall wilfully and intentionally obstruct, fill up or injure any drains constructed under the provisions of this Act, or of any other Act, or heretofore constructed by the Government of Manitoba or by the City, or who shall wilfully or intentionally destroy or injure an embankment or any drainage work connected therewith, shall, upon summary conviction before a Police Magistrate or a Justice of the Peace, be liable to a fine of not less than five dollars or more than fifty dollars and costs, and, in default of payment, to imprisonment for not less than one week or more than two months. (Sec. 723 Municipal Act.)

**Injuries to
public poles.**

837 Any person wilfully mutilating, cutting or in any way injuring or destroying any guide posts planted along or beside any street in the City shall be liable to be proceeded against under the provisions of the Act respecting malicious injuries to property. (Sec. 725, Municipal Act.)

PENALTIES.

**Recovery and
enforcement
of penalties.**

838 Every fine and penalty imposed by or under the authority of this Act, or under any by-law passed under the authority of this Act, may, unless where other provision is specially made therefor, be recovered and enforced with costs by summary conviction, before the Mayor or any Justice or Justices of the Peace having jurisdiction in the City of Winnipeg, and, in default of payment of such fine and costs or fine or costs, the offender may be committed to the common goal of the Eastern Judicial District of Manitoba, or lock-up house of the City, there to be imprisoned for any time, in the discretion of the convicting Magistrate or Justice or Justices, not exceeding, unless where other provision is specially made, thirty days, and with or without hard labor, unless such fine and penalty and costs, including the costs of the committal, be sooner paid. (Sec. 726, Municipal Act.)

**Punishment im-
posed by by-
law.**

839 The justice or other authority before whom a prosecution is had for an offence against a City by-law may convict the offender on the oath or solemn affirmation of one credible witness, and may award the whole or such part of the penalty or punishment imposed by the by-law as he thinks fit, with the costs of prosecution, and may by warrant, under the hand and seal of the justice or other authority, or, in case two or more justices act together therein, then under the hand and seal of one of them, cause any such pecuniary penalty and costs, or costs only, if not forthwith paid, to be levied by distress and sale of the goods and chattels of the offender. (Sec. 727, Municipal Act.)

**Award of
penalty and
costs.**

— *Wasserkarte* (1907)

for the license fee prescribed
of the license fee prescribed

840. In case there be no sufficient distress found, out of ^{Commitment by default of distress.} which the penalty can be levied, the Mayor or Justice may commit the offender to the common gaol of the Eastern Judicial District of Manitoba or to the Lock-up House of the City for the term, or some part thereof, specified in the by-law (Sec 728, Municipal Act.)

840a. Wherever in this Act no specific penalty is prescribed for infringement of any of the provisions thereof, ^{General penalty when no specific penalty provided.} whether such infringement be by omission or commission, such penalty shall be a fine of not exceeding fifty dollars and costs for each offence, and such penalty may be recovered and enforced in the manner provided in the three next preceding sections of this Act.

Sub. sec. as the last of Sec. 840

841. Unless otherwise provided, when the pecuniary ^{A word of part of penalty to informer} penalty has been levied under this Act, one moiety thereof shall go to the informer or prosecutor and the other moiety to the City unless the prosecution be brought in the name of the City, in which case the whole of the pecuniary penalty shall be paid to the City. (Sec 729, Municipal Act.) ^{When City complainant, whole penalty to belong to it}

WITNESSES.

842. Upon the hearing of any information or complaint ^{Who may be witnesses.} exhibited or made under this Act, or under any by-law passed under the authority of this Act, the person giving or making the information or complaint shall be a competent witness, notwithstanding such person may be entitled to part of the pecuniary penalty on the conviction of the offender, and the defendant, and the wife or husband of any person opposing or defending, shall also be competent witnesses, and all the said persons shall be compellable to give evidence on the hearing. (Sec 730 Municipal Act.) ^{Wife and husband.}

843. In any prosecution, or in any action or proceeding in any civil matter, to which the City is a party, no ratepayer, member, officer or servant of the City shall, on account of his being such, be incompetent as a witness. (Sec. 731, Municipal Act.) ^{Ratepayers, members and officers, etc of City competent witnesses.}

844. In prosecuting under any by-law or for the breach of any by-law, witnesses may be compelled to attend and give evidence in the same manner and by the same process as witnesses are compelled to attend and give evidence on summary proceedings before Justices of the Peace in cases tried summarily under the statutes now in force or which may be hereafter enacted. (Sec. 732, Municipal Act.) ^{Compelling witnesses to attend.}

CONVICTIONS UNDER BY-LAWS.

Form of con-
viction under
a by-law.

845. It shall not be necessary, in any conviction made under any by-law of the City, to set out the information, or the appearance or non-appearance of the defendant, or the evidence or by-law under which the conviction is made, but all such convictions may be in the form following, that is to say:—

Conviction
under by-law.

Conviction Under City By-Law.

Province of Manitoba

City of Winnipeg

To Wit:

Be it remembered that, on the _____ day of _____, A. D. 19____, at the City of Winnipeg, A. B. is convicted before the undersigned, one of his Majesty's Justices of the Peace (or Mayor, or Police Magistrate, or the case may be), in and for the said City, for that the said A. B. (stating the offence and the time and place when and where committed), contrary to a certain by-law of the City of Winnipeg, passed on the _____ day of _____, A. D. 19____, and intitled (reading the title of by-law) _____, and I adjudge the said A. B., for his said offence, to forfeit and pay the sum of _____ dollars, to be paid and appear according to law, and also to pay to C. D., the complainant, the sum of _____ dollars, for his costs in this behalf. And if the said several sums are not paid forthwith or in or before the _____ day of _____, A. D. 19____, as the case may be), I order that the same be levied by distress and the sale of the goods and chattels of the said A. B., and in default of sufficient distress, I adjudge the said A. B. to be imprisoned in the common goal of the Eastern Judicial District of Manitoba (or in the public lock-up at the City of Winnipeg) for the space of _____ days, unless the said several sums, with all costs and charges of conveying the said A. B. to such goal (or lock-up), are sooner paid.

Given under my hand and seal, the day and year first above written, at the City of Winnipeg:

J. A., (L.S.)

Mayor, J. P. or Police Mag.

(L.S.)

JUSTICES OF THE PEACE.

Mayor to be an
official Justice
of the Peace.

846. The Mayor shall, *ex officio*, be a Justice of the Peace for the City. (Sec. 734, Municipal Act.)

847 The Mayor and the Police Magistrate shall each have jurisdiction, in addition to his other powers, to try and determine a prosecution for offences against the by-laws of the City, and for penalties for refusing to accept office there-in or to make the necessary declaration of qualification and office. (Sec. 736, Municipal Act)

Jurisdiction of Mayor and Police Magistrate over certain offences.

848. The Mayor after taking the oaths or making the declarations as such, shall not be required to have any property qualification or to take any further oath to enable him to act as a Justice of the Peace. (Sec. 736, Municipal Act)

Mayor not required to have property qualification of ordinary Justice of the Peace.

849 In case any offence be committed against a by-law of the City, for the prosecution of which offence no other provision is made, any Justice of the Peace having jurisdiction in the City, whether the justice be a member of the Council or not, may try and determine any prosecution for the offence. (Sec. 738, Municipal Act)

Jurisdiction to punish by-law, provided for.

POLICE COURT AND POLICE MAGISTRATE

850. The Council shall establish in the City a police court, and the Police Magistrate or, in his absence, the Mayor of the City shall attend at such police court daily, or at such times and for such periods as may be necessary for the disposal of the business brought before him as a Justice of the Peace, but except in cases of urgent necessity, no attendance is required on Sunday or any legal holiday. The Police Magistrate shall be paid a salary by the City. (Sec. 739, Municipal Act.)

Police Court.

851 The Board of Police Commissioners shall appoint a police court clerk, and he shall be clerk of the police court of the City and perform the same duties as clerks of Justices of the Peace and as he may be instructed by the board, and he shall receive the remuneration assigned to him by said board. (Sec. 740, Municipal Act.)

Police Court clerk.

852 When by any law of this Province an offence is required to be heard and determined by two Justices of the Peace, the same may be heard and determined before the Police Magistrate or Mayor alone, and the said Mayor and Police Magistrate shall within the city severally have all the powers possessed by two or more Justices of the Peace. (Sec. 741, Municipal Act.)

Power of Police Magistrate or Mayor.

853. Nothing herein contained shall limit the power of the Lieutenant Governor to appoint under the seal of the Province any number of Justices of the Peace, or shall interfere with the jurisdiction of Justices of the Peace, except

Appointments and jurisdiction of Justices of the Peace.

only so far as respects offences against the by-laws of the City and penalties for refusing to accept offices or to make the declarations of office in the City—as to which jurisdiction shall be exercised exclusively by the Mayor or Police Magistrate. (Sec 742, Municipal Act.)

PLACES OF IMPRISONMENT.

Lock-up
houses.

854 The Council may, by by-law, establish, maintain and regulate lock-up houses for the detention and imprisonment of persons sentenced to imprisonment for not more than thirty days under any by-law of the Council, and of persons detained for examination on charges of having committed any offence, and of persons detained for transmission to any common gaol, house of correction, penitentiary or reformatory, either for trial or in the execution of any sentence (Sec 743, Municipal Act.)

WHEN MAYOR MAY CALL OUT POSSE COMITATUS.

Mayor may
call out posse
comitatus.

855. The Mayor may call out a posse comitatus to enforce the law within the City should exigencies require it, but only under the same circumstances in which the sheriff of a Judicial District may now by law do so. (Sec 745, Municipal Act.)

POLICE COMMISSIONERS AND POLICE.

Police Com-
missioners.

856. There shall be a board of Commissioners of Police for the City and such board shall consist of the Mayor, two members appointed by resolution of the Council, the warden or keeper of the County Court of Winnipeg and the Police Magistrate of the City, and, in case the office of such Judge or that of Police Magistrate be vacant, the Council shall appoint a person resident in the City to be a member of the board, or two persons so resident in the City to be members of such board, as the case may require, during such vacancy and such commissioners shall have the sole charge and control of the police department of the City the persons therein employed and, generally, in all matters connected therewith, and for that purpose, and for all other purposes connected with the good government of the police force of the City, they may pass by-laws relating thereto. (Sec. 752, Municipal Act.)

Meetings of
Police Com-
missioners.

857 The said Police Commissioners shall hold at least twelve meetings during the year, for which each commissioner shall receive remuneration not exceeding five dollars for each attendance at such meetings, and not exceeding in the whole

sixty dollars per annum, and the gross expenditure on the police force of the City shall not exceed twenty-five thousand dollars unless otherwise specially authorized by resolution of the Council. (Sec. 753, Municipal Act.)

858. The board may hold their sittings in the police station building in the City, when and as often as they see fit, and shall have control of the said building. (Sec. 754, Municipal Act.) Place of meetings.

859. A majority of the board shall constitute a quorum, and the acts of the majority shall be considered acts of the board. (Sec. 755, Municipal Act.) Quorum.

860. All by-laws of such Board of Commissioners of Police shall be sufficiently authenticated by being signed by the chairman of the board who shall pass the same, and a copy of any such by-law, written or printed, and certified by any member of such board to be a true copy shall be deemed authentic and as received as prima facie evidence in any Court of justice without need of such signature, unless it be specially proved or alleged that the signature to any such original by-law has been forged. (Sec. 756, Municipal Act.) Authentication of by-laws.

861. In all cases where the Board of Commissioners of Police are authorized to make by-laws, either under this or under any other Act or law, they shall have power in and by such by-laws to attach penalties for the infraction thereof, to be recovered and enforced by summary proceedings before the Police Magistrate of the City for which the same may be passed, or in his absence, before any Justice of the Peace having jurisdiction therein, in the manner and to the extent that by laws of the Council may be enforced under the authority of this Act. (Sec. 757, Municipal Act.) Penalties for breach of by-laws.

862. In connection with any investigation instituted by such board into the conduct of any member, or into any charges of misconduct or wrongdoing made against any such member in respect to the performance of his duties, the said board shall have power and authority to compel the attendance of witnesses, and to require them to testify under oath or solemn affirmation as to every charge or matter under investigation, and shall have, to all intents and purposes, the same power and authority as the Judge of any Court or a Justice of the Peace under any law of the Province is entitled to or can exercise in respect to the attendance and examination of witnesses in any criminal or quasi-criminal proceedings before them or any of them. (Sec. 758, Municipal Act.) Calling witnesses.

Police force. 863. The police force shall consist of a Chief of Police and as many constables and other officers and assistants as the board from time to time deem necessary. (Sec. 759, Municipal Act.)

Board to make appointments. 864. The members of such police force shall be appointed by and hold their offices at the pleasure of the board, and shall take and subscribe to the following oath:

Oath. I, A. B., do swear that I will well and truly serve His Majesty the King in the office of police constable for the City of Winnipeg, with no favour or affection, malice or ill-will, and that I will, to the best of my power cause the peace to be kept and preserved, and will resist all offences against the persons and properties of His Majesty's subjects, and that I will, to the best of my skill and knowledge discharge all the duties thereof faithfully and according to law. So help me God. (Sec. 760, Municipal Act.)

Regulate arms to govern force. 865. The board shall from time to time make such regulations as they may deem expedient for the government of the force and for preventing neglect or abuse and for rendering the force efficient in the discharge of all its duties. (Sec. 761, Municipal Act.)

Duty of constables. 866. The constables shall obey all lawful directions, and be subject to the government of the Chief of Police, and shall be charged with the special duty of preserving the peace, preventing robberies and other felonies and misdemeanors, and apprehending offenders, and shall have, generally, all the powers and privileges and be liable to all the duties and responsibilities which belong by law to constables duly appointed. (Sec. 762, Municipal Act.)

Present force subject to Board. 867. All the persons now occupying positions on the police force of the City shall be subject to the government of the board, to be dismissed or suspended, and generally to the provisions of this Act, the same to all intents and purposes as if they had been appointed under the said provisions, but, in the case of any suspension or dismissal of any member of the force the person so suspended or dismissed shall have a right to be heard either in person or by attorney by the Board, who shall then deal with his case as may be just and proper. (Sec. 763, Municipal Act.)

Wages of chief and constables. 868. The said board shall from time to time fix the wages or salaries to be paid the chief and constables or men employed. (Sec. 764, Municipal Act.)

Repealed by law

The first part of the paper is devoted to a discussion of the
 various methods of determining the rate of reaction. The
 most common method is the use of a clock reaction, in which
 the reaction is allowed to proceed for a certain time and then
 stopped by the addition of a reagent which reacts with one of
 the products. The amount of product formed is then determined
 by titration. Another method is the use of a colorimeter, in
 which the reaction is allowed to proceed in a solution of a
 substance which has a characteristic color. The intensity of the
 color is then measured, and the rate of reaction is determined
 from the change in color over a certain time. A third method
 is the use of a manometer, in which the reaction is allowed to
 proceed in a closed vessel, and the change in pressure is
 measured. The rate of reaction is then determined from the
 change in pressure over a certain time.

1992

869 The board shall cause a pay list of all such employees to be made up monthly, or oftener if required, and the said list shall be checked by the said board or a majority of them, shall be taken or forwarded to the Comptroller, who shall, upon being satisfied as to the correctness of the same, instruct the Treasurer to pay the same under his signature. (See 765, Municipal Act.)

Monthly
pay list.

870 The board shall, before incurring any expenditure of money in connection with the police department, other than the payment of salaries and allowances to the Constables, estimate of the sum or sums required and the purpose or purposes to which the same is intended to be devoted, and the Council shall thereupon provide the same in the books of the Treasurer and notify the Comptroller, and the board thereafter may draw a warrant and draw upon the same or any part thereof for the purposes mentioned in the estimates. (See 766, Municipal Act.)

Cause it to
be made up
periodically.

871 It shall be the duty of any officer while on duty to apprehend all lawless and disorderly persons whom he shall find disturbing the peace, or whom he may have just cause to suspect of evil designs, and all persons whom he shall find vagrant or loitering on any toll highway, yard, rail way car or other place not giving a satisfactory account of themselves, and to deliver such persons to the officer in charge of the nearest police station in order that such persons may be searched and brought before the Mayor or Police Magistrate presiding at the police court of the City to be dealt with according to law, or may give bail for his appearance before the said police court of the Chief of Police upon being made cognizant of the facts of the case, shall think it a fit case for bail. (See 767, Municipal Act.)

Persons of
disreputable
character on duty
shall be arrested
vagrants.

Chief of
Police.

872 If any person shall assault or resist any officer or constable of the police force of the City in the execution of his duty, he shall not or must not permit so to assault or resist, every such offender being convicted thereof before the Police Magistrate or in his absence the Mayor shall for every such offence forfeit and pay the sum of twenty dollars, besides the cost of the Court and be liable in case of default of payment of such fine, to such imprisonment, not exceeding sixty days, as the said Police Magistrate or Mayor may adjudge. (See 768, Municipal Act.)

Resisting
officers.

WATER WORKS.

873 The City shall have power to design, construct, buy, lease, purchase, improve, hold, and generally maintain, manage and conduct water works and all buildings, matters, ma-

City engineer
shall be paid
allowance thereon.

street and
sewerage water
works.

machinery and appliances therewith connected or necessary thereto, in the City of Winnipeg and parts adjacent as hereinafter provided.

Power to build
and maintain
sewerage works
and power
therein con-
ferred.

874. The City shall have all the powers necessary to enable them to build the water works hereinafter mentioned, or to purchase and after purchase to sell thereto or otherwise deal with the water works of any company, and to improve, secure, maintain and manage any of the said works from time to time, as to the said City may seem meet, and to carry out all and every the other powers conferred upon them by this Act.

Duty imposed
on City for
providing and
supplying water.

875. And it shall be the duty of the City to examine, consider and decide upon all matters relative to supplying the City by the means contemplated by this Act, with a sufficient quantity of pure and wholesome water for the use of its inhabitants, and also to provide, build, or construct the necessary water works and pipes, machinery and other appliances requisite for the said object.

Power given
to City to em-
ploy engineers
and to pur-
chase property
to carry out
works.

876. The City shall have power to employ and appoint engineers, surveyors, officers and other persons, and to rent or purchase lands, works, buildings, privileges and yards as in the opinion of the Council may be necessary, to enable them to fulfil their duties under this Act.

Power of
entry and sur-
vey.

877. It shall be lawful for the City, its agents, servants and workmen from time to time and at such times hereafter as they shall see fit, and they are hereby authorized and empowered, to enter into and upon the lands of any person or persons, bodies politic or corporate in the City or within one hundred miles of the City, and to survey, set out and ascertain such parts thereof as they may require for the purposes of the said water works, and also to divert and appropriate any spring or stream of water thereon as they shall judge suits to and proper, and to contract with the owners or occupiers of the said lands, and those having an interest or right in the said water for the purchase thereof or of any part thereof, or of any privilege that may be required for the purposes of the said water works, and in case of any disagreement between the City and the owners or occupiers of such lands, or any persons having an interest in the said water or the natural flow thereof, or any such privilege as aforesaid, respecting the amount of purchase or value thereof, or as to the damages, such appropriation shall cause to them or otherwise, the same shall be decided by three arbitrators to be appointed as hereinafter mentioned, namely: The City shall appoint one, the owner shall appoint an-

Power to pur-
chase or re-
possess
water privi-
leges.

Arbitrators as
to damages or
value of prop-
erty.

other, and each two arbitrators shall within ten days after their appointment appoint a third arbitrator, but in the event of such two arbitrators not appointing a third arbitrator within ten days aforesaid, the Court of King's Bench or a Judge thereof shall on application by either party, appoint said third arbitrator. In case any such owner or occupier shall be an infant, married woman or insane, or absent from the Province, or shall refuse to appoint an arbitrator on his or her behalf then the said Court of King's Bench or a Judge thereof on application being made to it or him for that purpose by the said City shall appoint and appoint them in default persons as arbitrators. The arbitrators shall be appointed as hereinafter mentioned and shall award, determine, and settle and order by respective awards of costs which the City shall pay to the persons or persons entitled to receive the same, on the award of the arbitrators of the said arbitrators shall be made. Any award, arbitrators shall be sworn by and sworn to by the arbitrators as aforesaid and shall be sworn to by the City to be appointed as aforesaid after eight days notice given for that purpose by the City then and there to arbitrate and award, determine and determine said matters in things as may be submitted to their consideration by the parties concerned, and each arbitrator shall be sworn before some one of His Majesty's Justices of the Peace, any of whom may be required to attend the said matters for that purpose well and lawfully to assess the value or damages between the parties to the last of his judgment.

Provided, in cases that any award under this Act shall be subject to be set aside on application to the Court of King's Bench on the same grounds and under same conditions in and every cases of arbitration as are elsewhere provided, and that any award or award shall be paid within three calendar months from the date of the award, or determination of any matter in mind the award, and on receipt of such payment the person or persons who refuse possession of his property and all his rights shall the upon receive and the award of a majority of the said arbitrators shall be binding on all parties concerned subject as aforesaid.

878. The lands, privileges and water which shall be ascertained, set out or appropriated by the City for the purposes aforesaid shall thereupon and forever thereafter be vested in the City, and it shall and may be lawful for the City to construct erect and maintain in and upon the said lands and such reservoirs, dams, conduits, water works and machinery, requisite for the said undertaking, and to convey the waters thereto, and therefrom on, upon or through any

of the grounds and lands lying into connection between the said reservoirs and the works, and the springs, streams, rivers or lakes from which the same are procured, and the City, by one or more lines of pipes or conduits, as may from time to time be found necessary, and for better effecting the purpose aforesaid the City, its agents, servants and employees are hereby empowered to enter any pass upon and over the said grounds, and at such times and at such places and the ways to return, without charge of or payment as to the laying down the same, and through the same, and in, upon, over, under, and through all buildings, railways, roads, and in the right, over or under the same, pipes, conduits, other railways, lines or other passages of the City, and to open, dig, lay, set or under the same, pipes, and premises, if any person or persons shall be disposed to dispute or controvert what aforesaid or to obstruct or hinder, or use such part or parts thereof as they think shall be necessary and proper for the opening and maintaining of the said works, or for the opening or passages required for the same, and for the purpose of installing, requiring for the protection of the said works, or for preserving the purity of the water supply, or for taking up, removing, storing or repairing the same, and for collecting water for the inhabitants of the City, or for the use of the City, or of the corporations or corporations of the City, the said or team with the same may pass, go, for this purpose through and as down pipes, trucks, reservoirs and other conveyances, and from time to time to alter all or any of the said works, as well in the position as in the construction thereof, as to the City shall seem meet, doing as in the usage as may be in the execution of the powers hereby granted to them, and causing reasonable and adequate satisfaction to the proprietors, if there are, in each case of disagreement by arbitration as aforesaid, and all such water works, pipes, erections and machinery requisite for the said undertaking shall hereinafter be vested in, and be the property of the City.

Consent of the
City to be made

Water works
vested in City

Penalty for
interfering
with exercise
of powers
conferred by
this Act

879. If any person shall wilfully or maliciously hinder or interrupt or cause or procure to be hindered or interrupted the City or its agents, servants, contractors, workmen or any of them, in the exercise of any of the powers and authorities in this Act as to water works or water supply, authorized and contained, or if any person shall wilfully or maliciously let off or discharge any water so that the same shall run waste or useless out of the said works, or if any person shall throw or deposit any injurious, noxious or offensive matter into the said water or water works or upon the ice or in any way foul the same or commit any wilful damage or injury to the works, pipes or water or encourage

the same to be done, every person offending in any of the cases aforesaid shall on conviction be liable to a fine of not more than the Mayor, Police Magistrate, or any Justice of the Peace having jurisdiction in that the locality where the offence shall be committed, forfeit and pay for every such offence the sum of twenty dollars, together with the costs of the conviction, one half to be applied to the use of the City for water works purposes and the other half to him or her who shall, by the information, and, in case the party or parties suing for the same be the City, any of its servants, officers, agents or workmen, then the whole of said penalty shall be applied to the uses of the City for water works purposes, and such Mayor, Police Magistrate or Justice of the Peace may also in his discretion further condemn such person to be removed, in the common goal of the Eastern Judicial District of the Province of Manitoba for a space of time not exceeding thirty days, as to such Mayor or Justice shall seem meet and such person or persons so offending shall be liable to an action at law at the suit of the City to make good any damage done by him, her or them.

Penalty for
polluting water
supplying
works etc.

Application of
penalty

Improvements
to R. & D. system

Action for
damages

880. All materials procured or partially procured under contract with the City and upon which the City shall have made advances in accordance with such contract shall, as exempt from execution.

Exemption of
materials for
works on
which City
has made
advances
except from
execution.

881. The City is hereby required to keep or cause to be kept separate books and accounts of the receipts and disbursements for and on account of the said water works, distinct from the books and accounts relating to the other properties and assets belonging to the City, and the City shall annually on or before the first day of December in each year and every year cause a return to be made to the Lieutenant Governor in Council showing a statement of the affairs of the said water works, wherein shall be stated the amount of the rents, income and profits arising from the said water works, the number of tenants supplied with water, the extent and value of the moveable and immovable property thereunto belonging for a account of debentures then issued and remaining unrepaid and unamortized and the interest paid thereon or yet due and unpaid and the state of the sinking fund, the expenses of collection and management, and all other contingencies, salaries of officers and servants, the costs of repairs, improvements and alterations, the prices paid for the acquisition of any real estate that may have been acquired for the use of the said water works, and generally such a statement of the revenue and expenditure of the said water works as will at all times afford to the citizens of the City a full and complete knowledge of the state of affairs of the said water works, and such information as may be re-

City to keep
separate books
of accounts re
water works

Annual return
to the water
works to
Lieut. Gov. in
Council.

Contents of
return

quies, in order that all the accounts relating to the said water works may be audited by the Comptroller of the City in regular course.

Distribution
and price of
water

882 The City shall regulate the distribution and use of the water in all places and for all purposes where the same may be required, and from time to time shall fix the prices for the use thereof and the times of payment, and they may erect such number of pipes and hydrants, and in such places as they may see fit, and erect to what manner and for what purpose the same shall be used, all which they may change at their discretion. The City is also empowered at proper hours of the day and upon reasonable notice given and request made by the City for that purpose to place meters upon any service pipe or connection with or without any house or building as they may deem expedient, and for this purpose, for the purpose of protecting or regulating the use of any such meter, to set or alter the position of the same, or of any pipe, connection or tap, and to fix the price to be paid for the use of any such meter, and the time when and the manner in which the same shall be payable, and also to charge for and recover the expenses of such alterations, and such price and the expense of such alteration may be collected in the same manner as water rates.

882(a) L. 40 34 100

Assessment of
water rates

883 The City shall have power and authority and it shall be its duty from time to time to fix the price, rate or rent which any owner or occupant of any house, tenement, lot or part of a lot or well, or through or past which the water pipes shall run, shall pay as water rate or rent, whether such owner or occupant shall use the water or not, having due regard to the assessment and to any special benefit and advantage derived by such owner or occupant conferred upon him or her or their property by the water works, and the law by in which the same is situated, and such water rate or rent as shall be assessed by the City upon such owner or occupant shall be not continue a lien or charge, until paid upon such real estate, and the City shall also have power and authority from time to time to fix the rate or rent to be paid for the use of the water by hydrants, fire plugs and public buildings.

Water rates to
be a lien on
realty

Disposition of
proceeds of
water rates

884 All water rents and water rates when collected shall be paid over to the Treasurer, and be then placed to the credit of the water works account, and the City shall have power from time to time to make and enforce all necessary by-laws, rules and regulations for the general maintenance or the management and conduct of the said water works, officers and others employed by them, not inconsistent with this Act, and for the collection of the said water rents and

By-laws as to
management
of works and
employees

Contamination
of city water
through con-
nection with
water supply
of private
individuals or
company

882A. In case a person, firm or corporation, using or consuming water supplied by the city, or having pipes connected with the city water mains, has at the same time an independent source or sources of supply of water communicating with any of the city water mains, the city engineer or health officer may, in case of danger from contamination of the water in such city mains through such connection, cut off or stop the supply of water from the water mains of the city to such persons, firms or corporations, and there shall be no liability for damages or other compensation in respect thereof.

5th Ed. Va. Conf. 95 Jan 20 (1906)

water rates, and for fixing the time and times (which shall be particularly when and the place where the same shall be payable), and for allowing a distress for repayment and interest in case of default in payment, to enforce payment by shutting off the water, or by suit at law before any Court of competent jurisdiction, or by distress and sale of the goods and chattels of such owner or occupant, or of any goods and chattels in his possession wherever the same shall be found, and the distress of any goods or chattels found on the premises of the property of, or in the possession of any other owner of the premises. Such distress and sale shall be conducted in the same manner as sales are now conducted for arrears of City taxes, and the costs charged shall be those payable to sheriffs under the County Court Act, provided that the authority to collect such rates by any process or by distress as before mentioned shall not in any way invalidate the lien upon such premises.

Provision as to
collection of
rates.

885. The City shall have power to employ the City andlector assessors, and such other persons, as in their opinion may be necessary to carry out the object of this Act and to specify the duties of such persons so employed, and to fix their compensation, and all such persons shall hold their offices at the pleasure of the City or as they shall determine by law or resolution in that behalf, and shall give such orders as the City shall from time to time require, and such collectors, assessors or other persons shall have as full power in the performance and enforcement of the matters to them committed, as the collectors and assessors in the City now possess and enjoy.

City may em-
ploy a full
time and
lectors and
others to carry
out the duties
of water
works.

886. If any person or persons shall lay or cause to be laid any pipe or main to communicate with any pipe or main of the said water works, or in any way obtain or use any water thereof, without the consent of the City he or they shall forfeit and pay to the City for water works purposes the sum of \$100, and also a further sum of \$5 for each and every pipe or main so removed, which sum and or sums together with costs of suit in that behalf, may be recovered by civil action in any Court of competent jurisdiction in the Province.

Provision for
obtaining
water from
main in or pipes
without con-
sent of City.

887. If any person shall bathe or wash or cleanse any cloth, coat, leather, skin or animals, or place any nuisance or offensive thing within the distance of one mile from the source of supply for such water works, in any lake, river, pond, source or fountain from which the water of the said water works is obtained, or shall convey or cast, cause or throw or put any filth, dirt, dead carcases or other noxious or offensive thing therein or within the distance as above set

Provision for
bathe and wash
clothing and
other things
near the source
of water
supply.

out, or cause, permit or suffer the water of any tank, sewer or drain to run or to be conveyed into the same, or cause any other thing to be done which the water therein may be in contact with, or be fouled, every such person shall on conviction thereof before the Mayor, Police Magistrate or any Justice of the Peace in any jurisdiction in the City, on the oath of any credible witness, be liable such Mayor, Police Magistrate or Justice to be fined and compelled to pay a penalty for every such offence not exceeding twenty dollars, together with costs, or an order to be applied for water works purposes,

Application of
penalty

and the owner as aforesaid or her who shall give the information, and also the party having such information in the City or any of its officers or servants, then the whole of the said penalty shall be applied for water works purposes, and such Mayor, Police Magistrate or Justice may also in his discretion fine any such person to be confined in the House of Correction for a term not exceeding thirty days with or without hard labor as he or any such court, but his action shall not apply where the water is taken from the Assiniboine river.

Imprisonment
may be ordered

By law, person
in (b) (1) (a) (i) (b)
may be ordered
imprisonment
and
fines

888. It shall and may be lawful for the City and it is hereby authorized and empowered to make such by-laws as it shall deem requisite and necessary for preventing any person from exceeding twenty dollars to be applied to water works purposes, or imprisonment not exceeding thirty days with or without hard labor, being always in the discretion of the Mayor, Police Magistrate or Justice of the Peace before whom any proceeding may be taken for enforcement thereof, any person, being occupant tenant or owner of any house supplied with the water from the said water works, from vending, selling or disposing of all water thereof, from giving it away, or permitting it to be taken or carried away, or from using it, or applying it to the use or benefit of others, or to any other than to his, her or their own use and benefit, or from threatening the supply of water agreed for with the City, or from wantonly neglecting or improperly wasting the water and for regulating the time, manner, extent and nature of the supply of the said works, the tenement or parties to which and to whom the same shall be furnished, the price or rates to be exacted therefor and each and every other matter or thing relating to or connected therewith which it may be necessary or proper to direct, regulate or determine, for supplying to the inhabitants of the City a continuous and abundant supply of pure and wholesome water, and to prevent the practising of frauds upon the City with regard to the water so supplied.

889 In all cases where a vacant space intervenes between the line of the street and the outer wall of the building to which the water is to be taken, the City may with the consent of the owner lay the service pipes across such vacant space and charge the cost thereof to the owner of such premises, or such owner may himself lay such service pipes, provided the same shall be to the satisfaction of the Engineer of the City. The expense incidental to the laying of such service pipes if laid by the City or of superintending the laying of the same if laid by any other person, shall be payable in arrears, to the City, or if not so paid may be collected forthwith in the same manner as water rates, provided that in any one case the said expense of superintending the laying of such service pipes, if laid by any other person as aforesaid, shall not exceed one dollar.

Cost of laying service pipes across vacant space between line of street and wall of building to be provided for.

890 The City shall pay the whole cost of putting in and keeping in repair the service pipes from the water works to the outer wall of the building. The owner shall pay for laying and keeping in repair the service pipe between the outer street line and any building or premises to which water is to be taken. (See 27, Cap. 24, 62 and 63 Vic., 1892.)

City to lay and keep in repair service pipes from water works to outer wall of building. Owner to pay expense of laying and keeping in repair service pipe between outer street line and building.

891 The service pipe from the line of the street to the outer wall of the outer wall of the buildings and, to gether with all branches, couplings, stop-cocks and apparatus placed thereon by the City, shall be under its control, and if any damage be done to this portion of the service pipe or its fittings either by neglect or otherwise, the City may repair the same and charge the same to the occupant or owner of the premises. The stop-cock placed by the City inside of the wall of the building shall not be used by the water tenant, except in cases of accident or for the protection of the building or the pipes, and to prevent flooding of premises.

Service pipe from street to outer wall of building, and all fittings thereon, shall be under control of City. If any damage be done to this portion of the service pipe or its fittings, City may repair same and charge cost of same to occupant or owner.

Use of the stop-cock to be controlled.

892 The City may impose a frontage rate upon streets wherever mains at the City's water works have been or shall hereafter be placed. Such rate may be a uniform rate per foot of the frontage. The same shall be treated and collected and shall form a lien upon the real property affected in the same way as taxes levied thereon by ordinary assessment. The amount of such rates the real properties to be affected, and the time of payment of same shall be ascertained and determined by such authority and in such manner as directed by the Council. A copy of the report of such authority shall be filed with the official in whose charge the Collector's rolls are prepared. The latter shall enter the amount of such rates in such roll against the respective lands affected in the same manner as ordinary rates and taxes. Such rates may be imposed irrespective of whether such real property is va-

City may impose frontage rate on streets where mains have been or shall hereafter be placed.

Rate a lien upon realty.

Fixing rates and method of collection thereof.

cast or is not connected with the water mains or does not use or receive water from the same. Such frontage rate shall be a charge separate and apart from the rate or price charged for water actually furnished or supplied or agreed so to be by the City. (See 3, amendment Municipal Act, 1 Ed. VII.)

Frontage rate
added to, paid
from water
rate

Approval of
taps by City

893. All parties supplied with water by the City may be required to place only such taps for the drawing and shuttling of the water as may be approved of by the City.

City not liable
for damages
arising from
breaking of
service pipes,
etc.

894. The City shall not be liable for damages caused by the breaking of any service pipe or attachment, or for any shutting off of the water to repair mains or to tap the pipes.

Power of
entry upon
premises re-
specting water

895. It shall be lawful, for the City, and every person authorized by them for that purpose, to have free access at any hour of the day and upon reasonable notice given and request made for that purpose to all parts of every building in which water is delivered and consumed, and also, at the same hour and with the like notice, to enter into and upon the lands and houses of any person or corporation for the purpose of erecting water meters therein and for the purpose of inspecting or altering the same.

Power of
entry, correct
and inspect
meters

Penalty for
unlawfully
interfering
with hydrants,
etc.

896. If any person or persons not being in the employ ment of the City or not being a member of the Fire Department of the City, and duly authorized in that behalf shall wilfully open or close any hydrant, or obstruct the free access to a hydrant, stopcock, chamber or hydrant chamber by putting on it any locking material, rubbish or otherwise, every such person shall on conviction before the Mayor, Police Magistrate or any Justice of the Peace having jurisdiction in the City, forfeit and pay for each offence a sum not exceeding twenty dollars for water works purposes, and, in default of payment, be imprisoned in the common gaol of the Eastern Judicial District of Manitoba for a term not to exceed thirty days, and each time the said hydrants are so interfered with in a, each day such obstruction shall continue shall be considered a separate offence.

Meters.

897. The City may set up in any house, building or place, and use a meter or meters for the purpose of gauging the quantity of water used in such house, building or place.

Title of lands
not required
for water
works pur-
poses

898. The City may sell and convey any lands purchased for the said water works, but which shall cease to be required or which they shall deem unnecessary therefor, free from any charge, mortgage or lien created by this Act, either for cash or on credit, with power to take a mortgage or mort

P Interest due on stock
issue in London, October 1, 1908

Amount due \$12,312-10-

At credit of bal. $\begin{array}{r} 7933- \\ \hline \$4379-10 \end{array}$

Con Evans.

pages for part of the purchase money, the proceeds arising from any such sale to be added to and form part of the funds further construction of water works, to be paid into some chartered bank having an office in Winnipeg, and shall be expended and paid out in the like manner, and for the like purposes, as the proceeds of water works debentures under the provisions of this Act.

Application of money to funds for water works.

899 The City shall have power to rate and tax each vacant lot of land in the City fronting on streets in which water pipes shall be placed, provided the pipes run past the said lot or are required to be laid to the assessment and to the advantage which said lot shall derive from water works, such rates and taxes shall be recoverable in the same manner as taxes assessed for ordinary purposes and shall be collected along with and at the same time as such other taxes are collected and shall be and form a lien on said land to the same extent as the other taxes charged on the said lands.

Rating vacant lots fronting streets.

900 The City shall have full entire and exclusive possession, control, and management of the said lands and water works and all things appertaining thereto, and shall and may prosecute or defend any suit or action, suit or suits, or process at law or in equity against any person or persons for money due for the use of water, for the breach of any contract, express or implied, touching the execution or management of the works or the distribution of the water or of any provision or contract made to or with them and also for any injury, damage, trespass, nuisance or her wrongful act done, committed or suffered to the said lands, works, water courses, sources of water supply, pipes, machinery or any apparatus belonging to or connected with any part of the works or for any improper use or waste of the water.

City shall have full entire and exclusive possession, control, and management of the said lands and water works.

Actions for use of water, breach of contract, express or implied, touching the execution or management of the works or the distribution of the water or of any provision or contract made to or with them and also for any injury, damage, trespass, nuisance or her wrongful act done, committed or suffered to the said lands, works, water courses, sources of water supply, pipes, machinery or any apparatus belonging to or connected with any part of the works or for any improper use or waste of the water.

901 The City is hereby empowered to arrange with individuals for the extension of pipes to houses or partially built portions of the City, by allowing a deduction from the price charged for the water to such extent as the City shall see fit on the cost of the said pipes when laid by the parties under the direction of the City and, subject to their approval, or the City may lay the pipes charging the said parties, in addition to the said water rate, a yearly interest upon the cost of such extension, which interest, or such portion thereof as shall then be due, shall be paid at the same time and collected in the same manner as the water rates.

Arrangement with individuals for extension of pipes to houses or partially built portions of the City.

902 For the purpose of constructing and purchasing the said water works, and paying the interest on the debentures hereinafter mentioned during the progress of the works and expenses attendant thereon, or for the purpose of meet-

Borrowing money for water works and interest thereon.

ing the payment of any other matter or thing contemplated or allowed by this Act the City shall have power to pass a by-law to raise money for the use of debentures of the City to be raised water works debentures, and to issue such debentures for a sum of money not exceeding seven hundred thousand dollars of lawful money of Canada in such sums not less than one hundred dollars and twenty pounds sterling interest as shall be the said City's own expenditure, which debentures shall be made payable in instalments at the times following that to come. Within a period of fifty years from the date of the respective issues thereof and shall bear interest at the rate of not more than five per centum per annum and interest to be payable half yearly, and such debentures shall be signed by the Mayor, Treasurer and Comptroller of the City for the time being and may be made payable either in sterling or currency as this Provision, Great Britain or elsewhere as the Council shall see cause to do, and the Council shall find the purpose of providing working fund for the payment thereof as aforesaid and the interest on the same shall be raised from the completion of the said works or at the expiration of five years from the date of the issue of such debentures, such sum shall be so raised to pay due interest thereon and paid to working fund to maintain whom of such debentures shall be the same shall be so raised as requested and shall pay a rate for that purpose to be set, that proposed as aforesaid and every year to pay said principal and interest on such debentures.

Monies to be paid
out of
any of the
funds of the
City arising from
the sale of
debentures.

903 Such moneys when raised shall be deposited in some authorized bank having an office in Winnipeg and the proceeds of such debentures shall be paid into such authorized bank and kept separate from any other funds of the City, and the same shall only be paid out on the cheque of the Mayor, Comptroller and Treasurer for the time being of the City as may from time to time be required for the payment of the amount to be found due said company, and the discharge of the liabilities that may be incurred in carrying out the improvements contemplated by this Act and for the payment of interest accruing thereon on the debentures during the period of the creation and completion of the said water works. Provided also that nothing herein contained shall prevent the City should they deem it advantageous so to do, from paying the contractor or contractors or other persons debentures either at par or at such rate of discount as the City in their judgment shall deem advisable, nor from selling or negotiating the same as to them may seem most expedient and advantageous to the interests of the City.

Works and
materials to be
supplied by

904 The said waterworks to be erected and constructed under this Act, and also the land to be acquired for the

purposes thereof, and every matter and thing therewith connected shall be, and they are hereby specially charged, pledged, mortgaged and hypothecated for the re-payment of any sum or sums which may be borrowed by the said City for the purposes of this Act respecting water works, as well as for the due and punctual payment of the interest thereupon, and as, each and every of the holders of the debentures in the last previous section mentioned shall have a preferential pledge, mortgage, hypothec or privilege on the said lands, water works and property appertaining thereto, for securing the payment of the said debentures and the interest thereon.

hypothecated to secure payment of debentures.

905. After the construction of the works all the revenues arising from or out of the supplying of water, or from the real or personal property connected with the said water works to be acquired by the City, shall, after providing for the expenses attendant upon the maintenance of the said water works, be paid over to the Treasurer, as heretofore provided, and shall make part of the general funds of the City and may be applied accordingly.

Application of revenues from water works.

906. Nothing in the foregoing provisions of this Act with reference to water works contained shall extend or be construed to extend to diminish the power and authority of the City aforesaid hereafter to borrow on the credit of the City for the general uses and purposes of the City as fully and effectually as though the City were not indebted for the building of the water works as aforesaid, or as if the said provision of this Act with reference to water works had not been passed, any Act, statute, law or provision thereof to the contrary notwithstanding.

Borrowing power hereby conferred, additional to those.

907. The lands, buildings, machinery, reservoirs, pipes and all other real or personal property, connected with or appertaining or belonging to the water works, shall from henceforth be exempt from taxation.

Lands, etc., exempt from taxation.

908. If any action or suit shall be brought against any person or persons for anything done in pursuance of the provisions of this Act in regard to waterworks, the same shall be brought within six calendar months next after the act committed, or in case there shall be a continuation of damages, then within one year after the original cause of such action arising.

Limitation as to action or suit.

909. No person shall be held to be disqualified from being elected or sitting as a member of the Council by reason of his taking or using the water supplied by the Winnipeg water works, or by reason of his having any contract with the City in respect of such taking or using.

Users of water not disqualified as members of Council.

Powers to
create and
liquidate debt

910. For the purpose of extending its water works system by the purchase and installation of new plant, water pipes, services and appliances, and the work of excavation and construction, the City may by its laws passed from time to time incur and create an arid tional debt or debts by the issue and sale of the City's debentures for the aforesaid purposes. The principal sum of such debentures shall be made payable not more than thirty years from the date of the respective issues thereof, and they shall bear such rate of interest, payable at such times and places as the Council shall fix by its by laws. The Council, by by law or resolution may prescribe the methods of disbursing and vouching the moneys raised upon such debentures, but no part of said moneys shall be disbursed or expended for any other purpose whatever than the extension or improvement of the City water works system. A separate account shall be kept apart from other civic accounts, showing the proceeds of such debentures and the disposition thereof. It shall not be necessary to submit any such by law to a vote of the electors, and, upon the Council finally passing same and issuing such debentures, they shall be a valid and binding charge upon the City, and, as against ordinary City indebtedness shall be a preferential pledge, mortgage, hypothec or privilege on the lands, plant and property appertaining to the City water works system. No part of any debt or debts created under the authority of this section shall be deemed to be a part of the indebtedness referred to in section 688 of this Act.

Not necessary
to submit to
vote of elec-
tors.

Payment of
water rates in
advance

911. The Council may by by law require the payment of water rents and rates to be made in advance and may authorize its officers to estimate the probable amounts of water likely to be consumed for the purpose of fixing the amounts so payable.

Exercise of all
powers by
Council.

912. The Council may by itself, or by its officers, exercise and enjoy the powers, rights, authorities and immunities conferred upon the City by the sections of this Act relating to water works, and such Council may at any time by by law assented to by the electors of the City, provide for the election of Commissioners for such purpose. The consent of the electors shall be deemed to have been given if three-fifths of those voting upon the said by law shall have voted in favor thereof. (Sec. 1, Cap. 83, 55 Vic.)

Not may be
delegated to
Commissioners
etc.

Powers of
Commissioners
etc.

913. Upon the election of Commissioners all the powers, rights, authorities or immunities, which under the sections of this Act in respect of water works might have been enjoyed by the Council or the officer or officers of the City acting for the corporation, shall be exercised by the Commissioners, except as hereinafter provided, and the Council

■

■

hereafter. During the continuance of the Board of Commissioners shall have no authority in respect of such works. Such Commissioners shall be known as the Water Works Commissioners of the City of Winnipeg. (Sec. 2, Cap. 33, 55 Vic.)

914. Any officer or employee appointed or employed by the Council in or about the construction or management of the works shall be continued until removed by the Commissioners, unless his engagement shall sooner terminate. (Sec. 3, Cap. 33, 55 Vic.) Employment continued under Commissioners.

915. Nothing in this Act shall be construed to divest the Council of its authority with reference to the providing of moneys required in respect of such works, and the Treasurer shall, upon the written certificate of the Commissioners, pay out any moneys so provided in the same manner as other City funds. (Sec. 4, Cap. 33, 55 Vic.) Authority still retained by Council.

916. The Commissioners shall consist of a Board of three, of whom the Mayor shall *ex officio* be one, and the remainder of whom shall be elected annually at the same time and in the same manner as aldermen, as in this Act hereinbefore provided. In case two Commissioners are elected at the same time, the one receiving the higher number of votes shall hold office for two years. When a vacancy of any kind occurs on the board, then a Commissioner, who shall hold office during the remainder of the term for which the predecessor was appointed, shall be immediately appointed by the Council. (Sec. 5, Cap. 33, 55 Vic.) Composition of Board of Commissioners.

917. A majority of the Commissioners shall constitute a quorum for the transaction of any business within the authority of the board. (Sec. 6, Cap. 33, 55 Vic.) Quorum.

918. Each of the Commissioners so elected or appointed shall, during the whole period of his term of office, have the same property qualification as is required for a member of the Council of the City. (Sec. 7, Cap. 33, 55 Vic.) Property qualification.

919. Every Commissioner shall, before taking office, make an oath of qualification before some Justice of the Peace, and shall file such oath with the Clerk. (Sec. 8, Cap. 33, 55 Vic.) Oath of qualification.

920. The place of a Commissioner shall become vacant from the same causes as a seat of a member of the Council of the City. (Sec. 9, Cap. 33, 55 Vic.) Causes for vacancy.

Salary of Commissioners.

921 The salary (if any) of the Commissioners, both during the progress of the works and after their completion, shall, from time to time be fixed by the Council, but no member of the Council except the Mayor, shall at the same time be a member of the Board of Commissioners. (Sec. 10, Cap. 33, 55 Vic.)

Commissioners not to hold contract.

922 No Commissioner appointed as aforesaid shall personally have or hold any contract in connection with the said works, or with the said Council, or be directly or indirectly interested in the same or any of them. (Sec. 11, Cap. 33, 55 Vic.)

Council may remove and appoint of works.

923 The Council, in case the construction or management of the works be entrusted to Commissioners, may by by-law, assented to by the electors of the City, as provided in section 912 of this Act, at any time assume the work, remove the Commissioners, appoint on their current year's salary and proceed with and arrange the works, and in such case all the rights, powers, authorities, immunities, duties and liabilities then belonging to the Commissioners shall be transferred to and vested in the Council, but any officer or employee appointed or employed by the Commissioners, in or about the construction or management of the works, shall be continued until removed by the Council, unless his engagement sooner terminates. (Sec. 12, Cap. 33, 55 Vic.)

Separate books to be kept.

924 The Commissioners shall keep, or cause to be kept, separate books and accounts of the receipts and disbursements for and on account of the water rates, distinct from the books and accounts relating to the other property, funds or assets belonging to the water works, and all such books shall be open to the examination of any person appointed by the Council. (Sec. 13, Cap. 33, 55 Vic.)

Annual report to be made.

925 The Commissioners, on or before the fifteenth day of January in each year, or upon such other day as the Council may name, shall cause a return to be made to the Council containing a statement of the affairs of the water works, which shall show the amount of the rents, issues and profits arising from the water works, and the number of tenants supplied with water during the previous year, the amount of debentures to be then issued and remaining unredeemed and uncanceled, and the interest paid thereon, or yet due and unpaid, and the state of the sinking fund, the expenses of collection and management, and all other contingencies, the salaries of officers and servants, the cost of repairs, improvements and alterations, the prices paid for the acquisition of any real estate that may have been acquired for the use of the water works, and generally such a state-

Appointment
of "Water
Supply Com-
mission"

330a. The council may pass a by-law appointing a commission, consisting of the mayor, four aldermen and three citizens and the Chairman of the Provincial Board of Health, to be known as the "Water Supply Commission," which shall investigate the best available source of water supply for the city, and report such investigation or investigations to the council. The members of such commission shall receive no remuneration for their services, beyond their travelling and personal expenses incurred under the authority of the commission and the council, but said commission may employ such expert engineering and clerical assistance, with the approval of the council, as the commission may direct, and the cost and expense of same shall be borne by the city.

376 Ed. 40 Chap 95, Sec 24 (1906)

Their duties
and remunera-
tion.

ment of the revenue and expenditure of the water works as well at all times afford to the ratepayers a full and complete knowledge of the state of affairs of the water works. (Sec. 14, Cap. 33, 55 Vic.)

926. The Commissioners shall also from time to time furnish such information as may be required by the Council. (Sec. 15, Cap. 33, 55 Vic.)

927. All the accounts relating to the water works shall be audited by the Comptroller in regular course, and the Commissioners and all their officers shall furnish to the Comptroller information and assistance as may be in their power to enable the Comptroller properly to audit such accounts. (Sec. 16, Cap. 33, 55 Vic.)

928. The Commissioners and the clerks employed in their revenue service shall be sworn before a Justice of the Peace to the faithful performance of their duties. The Commissioners shall keep a book for the purpose of recording the whole of their official proceedings, and such book shall be open for inspection and examination of any person appointed by the Council. (Sec. 17, Cap. 33, 55 Vic.)

929. All water rates and water rents when collected, less disbursements by the Commissioners, shall, quarterly, or as often as the Council shall direct, be paid over by the Commissioners to the Treasurer, and shall be by him placed to the credit of the water works account. (Sec. 18, Cap. 33, 55 Vic.)

930. The Treasurer of the City of Winnipeg shall be the Treasurer of the Water Works Commissioners for the City of Winnipeg, without additional compensation, if the Council of the City by resolution so require. (Sec. 19, Cap. 33, 55 Vic.)

930a, see also 930.
GENERAL REPEAL.

931. Any and all provisions of any existing statute of Manitoba which are inconsistent with the provisions of this Act, but such provisions only, and only in so far as the same are so inconsistent, are hereby repealed, such repeal, however, shall affect the City of Winnipeg only, but all rights, powers and privileges now held and enjoyed by the City and not specifically abrogated or taken away or amended by this Act shall be and remain in full force, virtue and effect in the same manner as if this Act had not been passed and to the full extent thereof. Provided always, that all enactments re-

pealed by any of said Acts shall remain repealed, and that all things lawfully done and all rights acquired and all liabilities incurred under them or any of them shall remain valid and may be enforced, and all proceedings and things lawfully commenced under them may be continued and completed under this Act, and anything heretofore done under any provisions of any of the said repealed Acts, which is repealed without alteration in this Act, may be alleged or referred to as having been done under the Act in which such provision was made or under this Act.

Expression
not to be val-
idated.

932. In any by-laws, Acts, proceedings, notices or forms of the Council or of any of its departments or officers, the use of the expression "The Municipal Act," instead of "The Winnipeg Charter," shall not invalidate or affect the same if the by-law, Act, proceeding, notice or form be authorized by this Act.

... ..
... ..
... ..

shall be read as being himself

... ..

(see the former Schoencker's Ed 7)

SCHEDULES.


The following are the Schedules referred to in this Act :—

SCHEDULE "A"—SECTION 43.


Form of Ballot Paper.

BALLOT PAPER.

FOR MAYOR.

	Elect two for the Members of the Council of the City of Winnipeg, Ward No. _____, day of December, 19____.	FOR MAYOR
		<p>ALLAN.</p> <p>John Allan, Main Street City of Winnipeg, Tailor</p> <hr/> <p>BROWN.</p> <p>Cyrus Brown, City of Winnipeg, Grocer</p>

FOR ALDERMEN

	Election for Members of the Council of the City of Winnipeg, Ward No. _____, day of December, 19____.	FOR ALDERMEN
		<p>ADAMS.</p> <p>James Adams, City of Winnipeg, Baker</p> <hr/> <p>BRUCE.</p> <p>Samuel Bruce, City of Winnipeg, Printer</p> <hr/> <p>DAVIDSON.</p> <p>Robert Davidson, City of Winnipeg, Butcher</p>

SCHEDULE "B"—SECTION 46.

DIRECTIONS FOR GUIDANCE OF VOTERS IN VOTING.

The voter will go into one of the compartments and with the pencil provided in the compartment place a cross, thus X, on the right hand side opposite the name or names of the candidate or candidates for whom he votes, or any other place within the division which contains the name or names of such candidate or candidates.

The voter will then fold up the ballot paper so as to show the name or initials of the deputy returning officer (or returning officer, as the case may be) signed on the back, and leaving the compartment, will, without showing the front of the paper to any person, deliver such ballot so folded to the deputy returning officer (or returning officer, as the case may be) and forthwith quit the polling place.

If the voter inadvertently spoils a ballot paper, he may return it to the deputy returning officer (or returning officer, as the case may be), who will, if satisfied of such inadvertence, give him another ballot paper.


If the voter votes for more candidates for any office than he is entitled to vote for, his ballot paper will be void, so far as relates to that office, and will not be counted for any of the candidates for that office.

If the voter places any mark on the paper by which he may afterwards be identified, his ballot paper will be void and will not be counted.


If the voter takes a ballot paper out of the polling place, or deposits in the ballot box any other paper than the one given to him by the officer, he will be subject to imprisonment for any term not exceeding six months, with or without hard labor.

In the following forms of ballot papers, given for illustration the candidates are, for Mayor, JOHN ALLAN and CYRUS BROWN; and for Aldermen, JAMES ADAMS, SAMUEL BAYCE and ROBERT DAVIDSON; and the elector has marked his first paper in favor of JOHN ALLAN for Mayor, and has marked the second paper in favor of JAMES ADAMS and ROBERT DAVIDSON for Aldermen.

FOR MAYOR.

	Election for the members of the Council of the City of Winnipeg, Ward No. _____, polling subdivision No. _____, day of December 19____	FOR MAYOR	<p>ALLAN.</p> <p>John Allan, Main Street, City of Winnipeg, Tailor</p>	X
			<p>BROWN.</p> <p>Cyrus Brown, City of Winnipeg, Gentleman</p>	

FOR ALDERMEN.

	Election for Members of the Council of the City of Winnipeg, Ward No. _____, polling subdivision No. _____, day of December 19____	FOR ALDERMEN	<p>ADAMS.</p> <p>James Adams, City of Winnipeg, Printer</p>	X
			<p>BRUCE.</p> <p>Samuel Bruce, City of Winnipeg, Baker</p>	
			<p>DAVIDSON.</p> <p>Robert Davidson, City of Winnipeg, Tailor</p>	

SCHEDULE "C"—SECTION 51

LIST OF ELECTORS

Polling Sub Division No 1, comprising, etc

Persons entitled to vote at Elections of Mayor, Aldermen and School Trustees in the City of Winnipeg.

No.	No on Roll	Name.	Occupation	How Held		Resident	Non-Resident	Lot or Designation of Land.		
				Owner	Tenant			D G S.	Lot	Block, Plan
1	6	Anderson, Henry.....	..	..	.....	.....	..	..	..	.....
2	8	Atchison, John.....	..	..	.....	.....	..	..	..	.....
3	10	Brown, Peter.....	..	..	.....	.....	..	..	..	.....
4	15	Curran, Joseph.....	.....	.....	.....	.....	..	..	.....	.....

Schedule "D"

Assessment Roll. Ward No.

NAMES AND DESCRIPTION OF PERSONS ASSESSED.

No. on Roll.	NAME OF OCCUPANT, OWNER, OR OTHER TAXABLE PARTY	OCCUPATION.	RESIDENCE.					Street or other designation.
			Street No., No.	Resident.	Non-Resident.	Owner.	No. of Children of School Age.	Total No. of Household.
	French, John	Carpenter	Cor. Park & West.	1		1	1	2
	185 Jones, W. F., or	Labourer	Fort Rouge	1			3	3
	186 Brown, G. J.	Merchant	Steeptail		1	1		" "
	187 Wilson, William	Clerk	218 Commercial Street	1			2	2
	188 Murphy, P. E. and	Teacher	561 " "	1			4	" "
	189 Walker, J. P.	"	553 " "	1		1	3	" "
	190 Roberts, Josephus	Contractor	21 Gertrude "	2		1		" "

—Section 284.

City of Winnipeg.

10

Assessed No.	DESCRIPTION AND VALUE OF REAL PROPERTY.										Total Assessable Value.	Notice Mailed.	Receipts.	REMARKS.
	LAND.					BUILDINGS.								
	Name or D. & S. No.	Map Plan.	No. of Block.	No. of Lot.	Size of Lot.		Area.	Value.	And Improvements.					
					Frontage.	Length.								
1		A	863	27	120'	10'	800		1200		3000	1, 4, 18		This represents a straight north-south line of Lot 27, Block 1, D. & S. or Part of Lot 27, to John Smith's street.
21 3		B	2, 27	17	60' ea.	30' ea.	1800		700		2500	"		In the case of Lot 27, there is an error in the map, and there is an error in the value, and there is an error in the width of the street, and there is an error in the width of the street.
"		"	"	"	"	"	"		500			"		
12 W		"	5, 27	27	120' ea.	10'			500			"		This represents William, Arthur and William, the three new (old) sections of Block 27, which shows an error of Lot 27, D. & S. and will be corrected in the next year's map.
"		"	"	"	"	"		2000			4500	"		

SCHEDULE E WARD NO. , CITY OF WINNIPEG, BUSINESS ASSESSMENT FOR 19

No. on Roll.	Name of Party Assessed	Occupation	Assessment				Description of Land Occupied				Assess- ment	Notes Entered
			Street or Block No.	Lot	Block	Lot	Partly planted	Partly planted	Block	Lot		

SCHEDULE F WARD NO. , CITY OF WINNIPEG, BUSINESS ASSESSMENT FOR 19

No. on Roll.	Name of Party Assessed	Occupation	Assessment	Description of Property Occupied						Assess- ment	Notes Entered
				Street or Block No.	Partly Let	Partly Let	Partly Let	Partly Let	Partly Let		
					St.	St.	St.	St.	St.		
					Block	Block	Block	Block	Block		
					Lot	Lot	Lot	Lot	Lot		

TAKE NOTICE that you are assessed as above specified for this year. If you deem yourself over-assessed or otherwise in any way aggrieved you or your agent may notify the Assessment Commissioner in writing of your wish to appeal, within 15 days after this notice has been sent you, and your assessment will be tried by the Board of Revision of the City of Winnipeg.

Assessment Commissioner

To the Assessment Commissioner, Winnipeg. St. -Take notice that I wish to appeal against the above Assessment for the following reasons:

From 411 as per no. by
677 Ed. W. Cap. 48 Sec 38 (1907)

SCHEDULE "F" — SECTION 303.

WARD No. , CITY OF WINNIPEG BUSINESS TAX ASSESSMENT FOR 19 .

No. on ROLL.	NAME OF PARTY ASSESSED.	OCCUPATION.	ADDRESS OR STREET No.	ANNUAL RENTAL VALUE.	FLOOR SPACE AREA.	TOTAL ASSESSMENT.
				\$	SQ. FT.	\$

NOTE: TAKE NOTICE that you are assessed as above specified for the year 19 . If you deem that you are improperly assessed, or otherwise improperly assessed, you or your agent may apply to the Assessment Commissioner in writing at your own risk to appeal within FOURTEEN DAYS after this notice has been sent, and your complaint will be ruled by the Court of Review of the City of Winnipeg.

WINNIPEG

18

Assessment Commissioner.

To the Assessment Commissioner, Winnipeg.

MP - Take notice that I wish to appeal against the above assessment for the following reasons:

SCHEDULE "H"

Take notice that the voting machine for use in the election for the year 19 will be open for inspection at my office on the day of 19 , at ten o'clock in the forenoon.

Returning Officer.

SCHEDULE "I"

Directions for the Guidance of Voters in Voting.

The voter will receive from the deputy returning officer a voting pellet. With this he will go behind the screen and deposit it in the circular hole in the lid of the box in the section containing the name of the candidate for whom he desires to vote.

The pellet remains as the voter places it until he returns from behind the screen, when the deputy returning officer turns the crank provided, and the vote is duly registered.

The voter is furnished with one voting pellet for each candidate for whom he is entitled to vote.

If the voter fraudulently puts anything but the pellet provided into the machine he will be subject to imprisonment for any term not exceeding six months, with or without hard labor.

SCHEDULE "J"

Directions for the Guidance of Voters in Voting.

The voter will receive from the deputy returning officer a voting pellet. With this he will go behind the screen and deposit it in the circular hole in the lid of the box in the section containing the word "FOR" or "AGAINST," according as he wishes to vote for or against the by-law.

The pellet remains as the voter places it until he returns from behind the screen, when the deputy returning officer turns the crank provided, and the vote is duly registered.

If the voter fraudulently puts anything but the pellet provided into the machine he will be subject to imprisonment for any term not exceeding six months, with or without hard labor.

INDEX

TO CHARTER OF THE CITY OF WINNIPEG.

A

	PAGE.		PAGE.
ABANDONED, by-laws respecting	212, 213	ADVERTISEMENT <i>Continued</i>	
ABSENT owners, expropriation of		Of setting of Court of Revision,	
lands of	252	list of electors	34
ACCIDENT, by-laws to secure		ADVERTISING signs, by-laws as to	219
against	241, 267	AFFIRMATION, <i>see</i> "Oaths."	
ACCOMPLICES, <i>see</i> "Corrupt		AGENT AT POLLS—	
Practices"		By-laws, in taking vote on	123
ACCUSERS		At-laws, in absence, elector may	
Audit of	128	represent	123
COMMITTEES of, audit of	100	CASHBARS of	26
INSPECTION, open to	169	CERTIFICATE may vote on	78, 123
Keeping of, mode of	152, 158	DECLARATION of	48, 123
PAYMENT of	159, 160	EXCEPTIONS referring to, explana-	
STATEMENTS of, to be furnished		tion of	54
Mayor and Council on request	156	ALL	
To be audited	166	Approving municipality, for open-	
To be certified	160	ing of roads passing through	
UNADJUSTED, to be audited	240	adjoining municipality	228
ACTION, (<i>see also</i> "Suits"),		Approving municipality, the like	
Assessment Commissioner, against		roads outside the City	228
for neglect of duty, limitation	54	CHARITABLE institutions to	200
City, may be brought by or against	3	Exemption from taxation by	81, 82
Highway—		Indigent or infirm persons for	200
Injury on, for	231, 232	Public work for	147
Non-repair of, for	231	ALIBI, regulation of	204
Trespass in error in opening, none	230	ALDERMAN, <i>see</i> "Council."	
LEGAL by-law, order or resolution,		Disqualification of	1, 54
for act done under	146	Election by acclamation	32
Limitation of time for bringing		Nomination of	12
against Assessment Commis-		Number of	8
sioner for penalty	94	Police Commissioners two to be	
Limitation for bringing suit for		appointed as	268
return of money paid for taxes	108	Qualification of	9
Limitation of, corrupt practices		Re-nomination of	129
for	87	Resignation of	13, 53
Limitation of, highway for non-		Term of office	18
repair of	232	To vacate seat, when	55
ADULTERATION, by-laws respect-	212	ALLOCATION of small strip of land	
ing		to escape local improvement	
ADVERTISEMENT—		assessment	174
Local improvements of	170	ALIENS, disqualified as voters	10
Of sale of lands for taxes	100	ALLEY by-laws respecting	208, 217
Of sale of land to be in Manitoba		By-laws, as to obstruction of	208
Gazette	100	By-laws, for opening of	227

	PAGE.
ALLEY—Continued	
Lounge, may assume part of cost of opening	184
Local improvement by-laws respecting	173
ALTERATION of assessment roll	90
AMENDS , tender of	148
ANIMALS , by-laws as to 201, 208 to 210	
Causing to, by-laws for preventing	201
Daring and riding of, for regulating the	202, 203
Leaving at large or standing on street	200
Running at large, by-laws for punishing	200
APPEAL , assessment special against County Judge from	177 62, 63
Court of Revision, assessment roll from	99
Judges fees on	100
Judges report on	100
Costs of, as to list of electors	39
Costs of, payment of by officers	30
Electors, list of from	18
Electors, list of, costs of	20
Electors, list of, death of party, effect of, on	20
Electors, list of, how made	18
Electors, list of, notice of	18
Electors, list of, place of hearing of	20
Electors, list of, time of hearing of	20
APPOINTMENT of agents at polls, to be in writing	113
APPROACHES , public buildings to, regulation of	204
APPROPRIATION , cost of local improvement, when change in plan	179
APPROPRIATIONS , not to be exceeded	159
Not to be used for any other purpose than that for which made	160
ARBITRATION —(and see next sub-title)	
Allocation of streets	195, 196
Award upon	257
Bids, between municipalities	253
General provisions respecting 249 to 252	
Municipal Commissioner, by—	
Road, respecting inter municipal	252
Respecting compensation for alteration of streets	195, 196

	PAGE.
ARBITRATION—Continued	
Roads, in cases of opening	251
Roads, between municipalities	252
ARBITRATION in cases of lands taken or injuriously affected.	
<i>Arbitrators—</i>	
Amount claimed not exceeding \$1,000, County Judge may act	253
Notice, application to Judge for appointment of sole arbitrator	253
General provisions applicable	252
Appointments—To be in writing authentication of	254
Appointments—By Mayor	254
Either party may appoint and give notice to the other	254
Third arbitrator, appointment of	255
In cases between corporations	255
Where property has been entered upon	255
Owner neglecting to appoint, County Judge may appoint 255, 256	
Where several persons interested	255
Council may take the initiative	255
Not an admission of liability	255
County Judge may appoint in certain cases	255, 256, 256
Time of meeting, etc.	257
Time for making award	257
Enlargements	257
Who disqualified to act as	256
Oath of	257
Fees of	258
Dunes of, generally	258
New, appointment of	259
<i>Procedure—</i>	
Arbitrators	257
Time and place of first meeting	257
Enlargements	257
Costs and taxation thereof	257
Majority to decide	257
Notes of evidence when to be filed	261
Arbitrators acting on their own knowledge or skill	261
Adoption of award, when necessary	261
Award to be in writing signed by majority	260
Plans, arbitrator to have	256
Title deeds, inspection of	258
Duties of arbitrators generally 255, 259	

	PAGE.		PAGE.
ARBITRATION <i>Continued.</i>		ASSESSMENT <i>Continued.</i>	
Evidence to be on writing	258	Special, property liable to	81, 82
Manner of making award	259	To be so made as to make taxation	pro rata
Awards subject to jurisdiction	260		83
of King's Bench		ASSESSMENT , officers of	81
King's Bench, powers of con-		ASSESSMENT COMMISSIONER —	
cerning awards	261	Apply for Judge's certificate when	
King's Bench, to retract awards		no appeals against List of Elec-	
adopted by Council	261	tors	25
Time for moving against award	262	Appointment of	81
Provisions to apply to all cases		Assessment Roll, to produce at	
of appraisal of damages	262	Court of Revision	90
Fixing amount payable for com-		County Assessment Roll, must	94
pensation. (<i>See Compensation</i>		Clerk of Court of Revision, to act	
for Lands Taken, etc.)		as	97
Expropriation certificate of Judge		Completed performance of duties	
may be registered	260	of	94
AREA or open area, City may prevent		Correction of errors by	98
construction of	174	Declaration to be made by	123
ARREARS of taxes		Duties of, generally, assessment 82 to 94	
Column in collector's roll for	102	Duties of, generally, List of Elec-	
Distress for late "Collection of		tors	18
Taxes." "Distress")		Duties of, generally, executives	
Statement of—		against City	240
To District Registrar	117, 118	Errors in Roll, duties as to	96
fees for	108	HEARINGS or APPEAL —	
Owner entitled to	107	Appointment for, to obtain	26, 90
When signed by Collector or		Notice of, to give appellant 19, 20, 100	
Treasurer binding on City	108	Notice off to give party appealed	
ASHES , by-laws respecting	207	against	21, 100
ASSESSMENT (<i>See also "Special</i>		Law or Elections —	
<i>Assessment"</i>)		Preparation of, by, at elections	18
Burden, how assessed	85	Preparation of, by, at voting on	
By-laws tax for	86, 90	by-laws	126
Classification not void for wrong	83	Meaning of expression	1
Companies of	89	Orders of Court to be, in cases of	
Exemptions from	81, 82	execution against the City	240
Form, not invalid for defect in	93	Notice of Court of Revision, to give	100
LANDS of—		Penalty for neglect of duties by	94
Mode of	84, 85	Penalty for refusal of office by	128
Occupied	84	Recovery against saved	94
Several owners	84	Returns to Municipal Commis-	
Unoccupied	84	sioner	108
Vacant	85	Tax rolls, duties respecting	101
Locality of	93	To certify number of persons en-	
Notice of	90, 93	titled to vote on by-laws	126
Date to be entered in roll	95	To make certain returns to Muni-	
Property liable to	81	cipal Commissioner	108
Railway company (street) of, for		To number complaints against as-	
taxes	89, 90	essment	16
Railway company (street)) local		ASSESSMENT ROLL —	
improvements	194, 195	Alterations in by Court of Re-	
Real property, (<i>see "Lands"</i>)		vision	90
Meaning of term	2	Assessment Commissioner to make	82
Rental, value, capitalized	86		

	PAGE		PAGE
ASSESSMENT ROLL— <i>Continued</i>		ASSESSOR—	
Business tax for, contents and form of	82	Appointment of	81
Certificate on	94	Declaration of office by	135
Deceased persons, lands of, how assessed	93	Enquiries to be made by	81
Description of lands in	82, 93	Suspension of	81
Errors and omissions in, correction of	99, 98	To be under control of Assessment Commissioner	81
Form of—		ASSIGNMENT of certificates of sale of lands for taxes	114
General Assessment Roll	83	ASSINIBOINE River, sewers on banks of regulations as to	183
Business Tax Roll	83	ASSINIBOINE water power, powers respecting	196 to 198
Inquiries to be made for purpose of	84	ATTORNEY costs of salaries	136
Not valid for defect of form in	93	AUCTIONEERS by laws respecting	234
Preparation of	89, 90	AUDIT	
Report of completion of	93	Accounts of	158, 160
Review of (<i>see</i> Review of Assessment Roll)		Books and accounts of Comptroller of	160
Signed by Assessment Commissioner to be	90	Generally	159 to 160
Time of coming into force of	101	AUTOCARS by-laws respecting	248
When deemed fully revised	10, 100	AWARD <i>see</i> "Arbitration."	

B

BAGATILLE taken by laws respecting	223	BALLOT PAPERS— <i>Continued</i>	
BALLOT—		Disposition of—	
Elections to be by	39	After election concluded	49
Machine voting machine may be substituted for at elections	63	Close of poll at	44, 139
Machine voting machine voting on by-laws, at	142	Expense on City to bear	14, 132
Voting on by-laws to be by	124	Form of—	
BALLOT boxes City to bear cost of	13, 14	Elections for	75
Class to furnish	13, 14	Voting on by-law for	133
Construction of	14	Instructions by deputy returning officer, to be	49
Deputy returning officer to procure, if not furnished	14	Inspection of Judge's order required for	49
Disposition of	14	Marking of	41
Modes of dealing with at poll,	79	Inspection in case of	42
Opening after poll	43	Names of candidates, how arranged at	14, 5
Opening by returning officer	46	Offences respecting	53
Penalty for non-supply of,	14	Receipt of evidence of voting	37
Return of	45	Recount of—	
BALLOT PAPERS—		Elections at	50
Cancelled	43	Voting on by-laws at	141
Class to furnish	14	Return of	45, 138
Counting of	43	Shall before voting, issuance of duplicate	43
Different sets for Mayor and Aldermen	18	BANKS of rivers, by-laws respecting	226
		BARBED WIRE fences, by-laws respecting	208

	PAGE.		PAGE.
BATH, public, establishment of	21.	BLASPHEMOUS LANGUAGE, by laws respecting	211
BATHING in public, by-laws respecting	212	BOILERS, by-laws respecting	207
BATHING place, disbursements for construction of	211	BONDS—	
BEAMS and joists, by laws respecting	204	Guarantee Company's may be accepted	123
BEGGARS, by laws respecting	211, 221	Of City, execution of ..	123
BEGLING, common, by-laws to prevent	221	Of City Treasurer to receive for safe keeping	80
BELLS—		Of officers, suretyship	124
Hounds in harness in winter to have	220	BENCH, <i>see</i> "A-d."	
Manner of, by laws to prevent	221	BIBERS, (<i>see also</i> "Poll Book")	
Summon, by laws respecting	220	City of	126 to 128.
Summon, <i>how</i> at call necessary	220	Laws, suppression of	211
BICYCLE PATHS—		Withholding	79
Bicycles of riding wheelmen, exempt from tax	244	BUDGETS, by-laws respecting	22.
By-laws respecting	203, 241	BORROWING MONEY—	
Construction of to be made by day labor	244	Assent of ratepayers when necessary for	147
Local Path Board, its powers, etc.	241	By laws for	147
Damages may be recovered for wrongful acts	245	By laws for proportion of rate payers necessary to carry	148
Establishment of system of	241	City may borrow to extent of last year's taxes levied	147 -
Limitation of actions in respect of	245	Current expenditure for	147
Officers, etc., of Board or officers constables	245	Limit of power for	147 193
Paths to be constructed on profits of street set apart therefor	244	Local, "improvements for	147
Penalties for certain acts	245	Paving work for	147
Paving of City to enforce provisions relating to	244	Water supply for	147
Protection of Board taxes as justice of the peace	245	BOULEVARDS, protection of	220
Records of penalties	245	BOUNDARIES—	
"Rule of the Road" on	244	Of City	3, 4
Treasurer to keep separate account books for funds of	244	Of wards	4 to 7
Treasurer to receive moneys relating to	244	BOWLING ALLEYS, by-laws respecting	224
CHAIRIES, by-laws respecting	202	BREAD—	
CELL BOARDS, SIGN POSTS, etc., removal of	219	By-laws respecting	212, 213
CELLAR TABLES, by-laws respecting	222	Weight of, by-laws respecting	213
CELL POSTERS, by laws respecting	222	BRIBERY, a corrupt practice	64
BIRDS, destruction of by-laws respecting	201	BRIQUE, <i>see also</i> "Highway")	
BIRTHS, endorsement as to, on tax notices	102	Across the Red River	245
		Ass for	222
		As to adjoining municipality for	222
		By-laws as to—	
		Construction of, for	173
		Driving over respecting	202
		Cost of Council may assume part of	184
		Jurying on preventing racing, etc	202
		Jurisdiction over, vested in City	231
		Local improvement by-laws respecting	173

	PAGE.		PAGE.
BRIDGE — <i>Continued</i>		BY-LAWS — <i>Continued</i>	
Possession of	231	Assessing costs of local improve- ments	173
REPAIR of, to be made by City .	231	AUTHENTICATION of	122
REPAIR of liability for	231	Awards, adoption of, by	261
SALE of to Railway Company, con- ditions of	231	Bonds, debentures, etc., for taking up old debts, etc	180
Survey for location of	230	Barack or	
BROOKSIDE CEMETERY , includ- ed in City limits	4	Conventions for form of	206
BUILDING LINE , regulations as to .	201	Prosecutions for	204
BUILDING LOTS , sub-division of and into	242	Penalment for	226, 227
BUILDINGS —		Who may try complaints for . . .	207
Assessment of, to be at actual value	43	Witnesses to, procuring attend- ance of	263
Construction of, by-laws respect- ing	203, 204	Rules, respecting (<i>see</i> "Bridge") .	
DAMAGES caused to, by City inter- fering with	262	CEMETERIES, respecting	190, 190
Leased real estate	83	CEMETERIES acquiring land for . . .	190, 191
Expropriation of, proceedings for valuing	206 to 224	CEMETES, for taking	199
Fire, protection against	203	CHARITABLE INSTITUTIONS aid to .	260
Inspector of	204	CITY special powers respecting . .	108 to 220
LANDS for acquisition of	251	CLERK —	
NUMBERING of	109	Appointment of, for	79
Plans of, by laws respecting . . .	204	Custody of, to have	79
REMOVAL of, along streets	219	Confirmation of	144
Street use construction on	204	CONTINUANCE of certain	6, 120
UNLAW, by-laws respecting	203	Copies of when received as evi- dence	120
UNLAWFUL by-laws respecting . . .	230	COMPACT practices respecting, in- quiries in case of	145
BURNING TIMES etc., in open air, by-laws respecting	207	COUNCIL —	
BUSINESS TAX , mode of assess- ment for	83	Fixing place of meeting of, for . .	70, 77
Revision of assessment roll for . .	83	Passing of, after assent of rate- payers	144
BUSINESS TAX ROLL , general provisions	81, 84	CUSTOM of	70
REVISION of	83	DEBENTURES under (<i>see</i> Deben- tures)	
To be separate from general assess- ment roll	83	DEBTS (<i>see also</i> "Borrowing Money," "Debts.")—	
BUTCHER SHOPS, STALLS etc., by-laws respecting	224	Amount of ratepayers, when re- quired	147
BY-LAWS , advertisement of not re- quired when	177	Authorizing creation of	147
Aid granting	161	Objects to which limited	148
Aid granting, security may be re- quired under	161	Rechts in	149
AMENDMENT of —		Repeal of, not allowed until whole debt and interest paid . .	149
Debt created under, in case of . . .	150	Repeal of, when part only of principals raised	149
Awards, tender of, for acts under illegal by-law	140	Terms of—	
ANIMALS , respecting	200, 210, 212 to 215	Installments, for payment by . .	149
		To take up old bonds, debentures, etc	180
		DIPLOMAS for taxes, authorizing .	204
		DRAINAGE, for	147, 173

BY-LAWS—Continued.	PAGE.	BY LAWS—Continued.	PAGE
ELECTION, appointing time and place of holding	30	Passing after assent of ratepayers	144
ENFORCEMENT of provisions of	226	Police Commissioners	269
Existence of	230	Police Magistrate, enforcement of, by	267
EXEMPTION from taxation for	161	Powers of Council to be exercised by	126
FARM produce, not to prevent free selling of	237	Prizes copies, when received in evidence	130
FENCES, respecting	258	Promulgation of	144
FENCES, respecting	226	Property respecting	280
FINE, for protection from 262, 265 to 268		Public comfort, for	203 to 206
General powers respecting	226, 227	Public health respecting	211
How executed	129, 130	Public library, respecting	190, 228
How verified when approval of Lieut-Governor required	130	Public order, for	211
ILLEGAL, action for act under	146	Public safety for	262
Insolvent persons and to	200	Public work, to create debt for	147
INDUSTRIES, exempting from taxation	161	Quarry, acquiring land for	200
IMPORT to property for processing	210	Quarries— Application for and proceed- ing thereon	143
INSTRUMENTS, for payment of taxes by	102	Corrupt practices, when passed by means of	143
INVESTMENT of funds, for	152	Grounds for	145
JURISDICTION, general as to	129	Limiting time for	145
Justice of the Peace, jurisdiction to enforce	267	Ratepayers— Assent of when necessary	147, 141
LAND, for acquiring and disposing of	240	Objections of to	130, 131
Lay of rates, etc.	135, 141	Reference to	131
LICENSES (see "Licenses.")		Rates, for varying (see "Rates.")	
Lieut-Governor, requiring assent of	130, 140, 226	Rates, water for collection of	277
Licensing of streets, etc.	220	Registration of	230
Local improvements for (and see "Special Assessment")	172 to 188	REPEAL OF— Debts authorizing	143, 150
Local improvements for not in- valid for providing for lower rate of interest than advertised	174	Generally	128
May be made applicable to whole or part of City	237	Returning officer, appointing	11
Mayor, powers of, to enforce	78	Sale of lands for taxes, fixing place of	110
MORALITY, to secure	231	STREETS, respecting	124, 125, 202, 219
NOMINATIONS, appointing place for	12	To be signed and sealed	129, 130
Objection of ratepayers to— Effect of	131	TRADES, respecting various	222
Mode of	130	TREASURES, affecting	80, 81
Officers duties of, prescribing	200	Tolls, respecting	210
Remuneration of, fixing	127, 201	Veto of	78
Respecting	200, 201	Violation of graves, to prevent	196
Security of, prescribing	201	Voting on (see "Voting on By- laws")	
		Water supply (see "Water Sup- ply")	
		Waterworks, for management of	876
		WATERS, covey, by-laws respecting	212

C

	PAGE		PAGE
CAB DRIVERS—		CAUSEWAY, by-law to contract	
By-laws respecting	325	debt for	147
Shelter for	321	CELLARS—	
To be licensed	325	By-laws respecting	204, 216
CABS, by-laws respecting	325	Levels of	204
CANADA THISTLE—		Clearance, etc., of	216
By-laws respecting	204	Construction of	216
Inspector, with power to destroy	204	CEMETERIES—	
CANDIDATE		By-laws respecting	190, 195
Agent may undertake duties of	53	By-laws requiring and for	195, 199
Conduct practices of—		Power to acquire sites for	195, 199
Disqualification for	67	Violation of, by-laws to prevent	199
Judge to report	67	CENSUS, by-laws respecting	199
Expenses of what are lawful	69	CERTIFICATE—	
Name of—		Assessment roll on	94
Arrangement of, on ballot paper	14, 15	Declarations, of ownership of	155
Posted up, to be	13	Declaration of incapacity to mark	
Nomination of	12	ballot of	42
Objections of—		Examination of, may be regis-	
Ballot paper to	43	tered	209
Votes to	49	Juried of, on election petition	52, 60
Polling place, may be present at.	39	INCORPORATION, duties of Treasurer	
Result of votes, may be present		as to	160
at	50	Plans, of City Surveyor on.	242
Resignation of	13	Poll, of state of	48, 139
Vacancy caused by amending for		Remission of	106
want of qualification, person		Resurrection of, to be in duplicate	117
amended not to be for	62	Voting on	48, 139
CAPITALIZED RENTAL VALUE,		Sale of land to City (taxes)	113
method of calculating	66	Sale of land to third party (taxes)	113
CARCASSES OF ANIMALS, by-		Title of, for lands sold for taxes	
laws respecting	217	when to issue	119
CARRIAGES, by-laws respecting	223	CESSPOOLS, by-laws respecting 216, 217	
CASTING VOTE—		Clearance, etc., of	217
By-laws, none allowed in case of		Construction of	216
vote on	140	CHAIRMAN -	
Meeting of Council. at	74	Council, at meeting of	75
Returning officer of—		Nomination at meeting for	12
Election at	46, 47	CHARITABLE INSTITUTIONS—	
Recount after	52	Aid to, by-law respecting	161
CATTLE—		Directors, etc., of, may not enter	
By-laws respecting	209, 210	into contracts when institution	
Injury done by in trespassing,		interested	247
damages	210	CHARITY and charitable institu-	
Interference of	214, 215	tions by-laws respecting	200
Kennels of	214	CHARIVARIES, by-laws for pre-	
Unlawful to feed, seizure of	213	venting	221
CATTLE-GUARDS, by-laws respect-		CHILDREN, by-laws respecting	201, 202
ing	204	Accidents to, for preventing . .	201, 202

	PAGE		PAGE
CHILDREN <i>Continued</i>		CITY <i>Continued</i>	
Cigars and tobacco, for prohibiting sale of, to	226	Rates in limit of	121
Curfew bell, as to	207	SALE, exchange and lease of lands purchased at tax sale by	112
CHIMNEY INSPECTOR , appointment of	207	Sewers in, construction of	173
CHIMNEY-SWEEPS by-laws respecting	207	SHARE of cost of certain improvements	184
CHIMNEYS —		SPECIAL assessment in, for local improvements	173
By laws respecting	207	SPECIAL provisions relating to	173-183
Swearing of	207	TRANSACTIONS with, in certain cases not to disqualify members of Council	8, 9
Inspector of	207	WARDS, division of into	5-7
CHURCHES —		Water Works (see "Water works, City")	
By laws respecting	204	Water supply of	271
Exemption from taxation	82	CITY CLERK	
CIGARETTES licensing sale of	226	ACTING, appointment of	79
CIGARS , licensing sale of	226	ANNUAL reports of to Municipal Commissioner	80
CIRCLES , by-laws respecting	222	APPOINTMENT of	79
CITY		By laws to be signed by	120
ANNUAL rate limit of in	121	DECLARATION of office by	123
Annexation and expropriation in case of	249	DUTIES of —	
Area of	2, 4	By laws, voting on (see "Voting on By-laws.")	
Borrowing powers of, for local improvements	184	Quarters respecting (see "Elections.")	
CHARTER (see "City Clerk")		Executions against City, respecting	249
CONSTABLES in, appointment, etc., of	279	Generally	74, 75
CORPORATE name of	3	Manitoba Gazette, to keep on file	209
COUNCIL of, composition of	8	Meaning of term	1, 3
DEBENTURES of, mode of payment of	148	Records, inspection of office	79
DECORATION of	2	To be of full age, etc.	81
LANDS of, exempt from taxation	81	CLERK —(See also "City Clerk")	
LIABILITY of—		Police Court (see "Police Court")	
Sale of, and for taxes, upon	115	Post (see "Post Clerk")	
Treasurer's or Collector's statement of arrears of taxes	101	COAL, by-laws as to weighing	216
LIABLE for acts under illegal by-law	146	COAL, OIL, etc., storing etc., of	268
MAY construct gas and electrical works	182-183	COLLECTION OF TAXES —	
MAY assign application for land sold for taxes	120	GENERAL	102
MAYOR of, (see "Mayor")		COLLECTOR —	
MEANING of term	1	APPOINTMENT of	102
POLICE Constables, appointment of, in	270	DUTIES and powers of	102-103
POWERS of, to be executed by Council	8	Executions against City, duties of respecting	249
PURCHASE of land at tax sales by	111	MAY make searches at Registry Office	102
PURCHASE money for lands expropriated, liability of, for	232	REFUSAL of office by penalty for	120
		RIGHT to search records of Land Titles Office, etc.	102

	PAGE.		PAGE.
COMBUSTIBLES, by laws respect-		COMPENSATION— <i>Continued</i>	
ing	203	City may file plans, etc., with	
COMMERCIAL TRAVELLERS,		clerk	220
by-laws respecting	224	Notice of the work intended by	
COMMISSIONER—(see Muni-		City	220
cipal Commissioner")		Service of on residents	220
Assessment, for City	81	Service on non residents	220
Assessing water power, re-		Time within which claims to	
specting	197	be made	220
County Judge investigating		Extension of, where persons	
charges to have powers of	203	reside out of Manitoba	220
FINANCES, of inquiry into	224	Claims barred if not filed within	
FIRE, for City	208	time limited	220
Municipal (see "Municipal Com-		Arbitration to determine claims	
missioner")		filed	220
Police	208	Particulars to be delivered	221
Road, appointment of	200	Claims not barred for insuffi-	
COMMITTEE—		cient plans, etc	221
Council of	77	Tender of effect of on costs	221
COMMON SEAL, powers respect-		Expropriation powers of City	221
ing	3	Absent owners, in cases of	222
COMMON SEWER rent for using,		Conveyances by tenants in tail	
by-laws respecting	10	etc	222
COMPANIES		Where no person to convey ap-	
Assessment of	89, 90	pointment by judge	222
Distress of property of, for un-		Purchase money, application of	
paid taxes	91	where person conveying has	
FIRE	126	no absolute estate	222
GUARANTEE bonds of, as security	122	Sum paid to stand in place of	
INCORPORATION, rights of certain		lands taken	223
saved	122	In cases of expropriation	223
Insurance, by-laws respecting	224	Incumbrances converted into	
Not to be assessed by way of cap-		claims to the money	223
italized rental value	90	May be paid into Court	223
TELEPHONE and telegraph, liable		Payment into Court, source of	
to be assessed for offices and		Costs, witness fees etc	224
other premises	90	Judgment bars all claims	224
TO PAY local improvement assess-		Deposit of price to vest title in	
ments	90, 91	City	229
COMPENSATION		Incumbrances, discharge of	229
DAMAGES, for:—		COMPLAINTS against assessment	
Alteration of streets	126	roll, (see "Revision of As-	
By-laws, for acts under legal	146	sessment Roll.")	
Glandered horses destroyed for	213	COMPTROLLER—	
Lands expropriated, for:—		Active	129
City to make	249	Appointment of	126
Proceeding to acquisition	249-253	Audit of accounts of	160
For lands taken or injured		Debits of	126-128
Owners to be compensated by		DATE of office of	121, 126
City	249	PRESENT continued	161
Limitation of claims for	249	SECURITY of	120
		TO AUDIT accounts of Water	
		Commissioners	287

	PAGE.		PAGE.
COMPUTATION OF TIME—		CONTROVERTED elections— <i>Cont</i>	
Effect of holiday on	2	Election Court—	
CONSOLIDATION of debtors		Accommodation for	62
debt	193	Constables, et al., to assist . .	62
CONSOLIDATION of amounts re-		Election petition	
quired by local improve-		Abatement of	61
ment by laws	195	County Judge to be presented to	57
CONSTABLE—(see also "Police		Direct on to be questioned by .	58
Force.")		Grounds for	59, 67
APPOINTMENT of	200, 270	Issue, when to be at	60
DECLARATION of office by	195, 270	Limit of time for presenting .	57
Election Court, to assist	62	Preservation of	57
ELECTIONS, at—		Service of	57
Penalty for refusal to be sworn		Withdrawal of	60, 61
do	12	EVIDENCE	59, 60
Poling place, may be present at	39	Election of person for whom	
Returning officer or deputy to be	12	office claimed, against	60
Special, appointment of	12, 38	Rules of	62
RENEWAL of	270	<i>Vine v. v. v.</i> on charge of corrupt	
Removal of	101	practice, to be given	66
SUSPENSION of	270	JUDGES—	
CONTAGIOUS diseases, by-laws		Certificate of decision of . . .	58
respecting	216	Powers of	58, 62
CONTRACTS—		New election after unseating .	62
DISABILITY, by parties under, as		Qualification, when for want of	
to lands	323	party not be candidate at . .	63
EXISTING, continued	3	PETITIONERS—	
City may make	3	Substitution of new, on death .	60
CITY with excess of member of		Subject one of new, on with-	
council in—		drawal	60
Disqualification, a ground of . .	9	Who may be	57
Exception	8, 9, 323	PROCEDURE generally	56-64
Penalty for	9	RESPONDENT, who may be . . .	57
Void renders them	247	SECURITY of costs	57
CONTROVERTED elections	57	Effect of not giving proper . .	58
Acts of unseated member not void	63	Objections to	58
APPEALS	64	SUBSTITUTION of new petitioners	
CONFLICT practice, change of . .	56, 57	do	60
Effect of unseating for	60, 67	TOTAL—	
Who denied guilty of	65, 66	Adjournment of	58
Evidence on	59, 66	Open court, to be in	58
Report on	59	Place of	58
COSTS—		Respondent, being out of office	
Disclaimer, in case of	64	not to prevent	59
Judge may order payment of . .	64	Several respondents, in case of	59
Scale of	61, 64	WITNESSES—	
Security for	57	Attendance of, procuring . . .	59
Withdrawal of petition, on . . .	61	Examination of	59
DECLARATIONS by candidate—		Fees of	59, 60
Costs in case of	64	Inculcating evidence, not ex-	
Mode of	63	cused from giving	59
When may be made	63	Protection in case of	59

	PAGE.
CONVICTIONS, under by-laws, form of	200
CORDWOOD, measuring of, by-laws respecting	216
CORPORATIONS—	
Contracts by, respecting lands	238
Rights of certain preserved	162, 169
CORRUPT PRACTICES—	
Comes of sections relating to —	
Deputy returning officers, to be furnished to	68
Posting up of	68
Denial of, in voter's oath	38
Disclaimer not allowed in case of	43
Disqualification for	44
Election petition, a ground of	54, 57
Evidence of, —	
Five vote to be taken	60
Witnesses may be compelled to give secret voting	60
Intimidation included under term	66
Limitation of time for taking proceedings for	67
Meaning of term	64-66
PENALTY for —	
Accomplice, prosecution of, re-lieves from	62
Can-dote, by	66
Generally	57, 68
Recovery of	67
Quashing by-laws for	145
Record of persons found guilty of	67
Report on trial of charge of	67
Who deemed guilty of	65, 66
COSTS—	
Assessment of:—	
Arbitrators may award	257
Award not adopted, when	261
Tender of compensation, on non-acceptance of	253
Commission of inquiry of	164
Disclaimer of seat, on	64
Election petition, on (see "Controverted Elections.")	
Paraph, on prosecution for	230
Distress for	267
Quashing by laws, of applications for	146
Recount of votes, on —	
By laws, on	142
Elections, at	50
Securities for (see "Security for Consts.")	

	PAGE
COSTS— <i>Continued</i>	
Tender of awards, on:—	
Illegal by-laws, etc., for act done under	149
Negligence, in action for	247
COUNCIL—	
Commitment, of	77
Meetings of, may be closed	75
Composition of	9
Contractual, appointment, etc., of by	203, 270
Continuing body, to be a	8
Corporate powers, to exercise	8
Disqualification of members of	9, 126
Disqualification of, arrears of taxes not to form a	9
Duties of —	
Estimates, to make yearly	159
Police, respecting	76
Police court, respecting	267
Rates, respecting	148, 150, 151
Returns respecting debts, as to	153
Election of members of	10
First meeting of, hour of	75
Resignature of seat in	54, 55
Formal defects not to invalidate acts of	142
Head of	8
Jurisdiction of, generally	128, 129
Meaning of term	1
Meetings of:—	
Chairman of	75
Default in, not to dissolve corporation	77
First yearly	75
Maintenance of order at	75
Number of	75
Open, to be	75
Order, maintenance of at	76
Place of	74
Procedure at, mode of	74, 78
Quorum, what constitutes	75
Quorum, effect of want of	75
Special	77, 78
Adjournment of	78
Business at	78
Notice of	77
Notice of, to be recorded in minutes	77
Notice of, effect of want of	77
Place of holding	77

	PAGE
COUNCIL—Continued	
MEMBERS of —	
Appointment of, when no elec- tion	56
Arbitrator when City interest- ed, not to be	294
Contracts of, void when City interested	247
Declaration of office by	
Penalty for not taking	125
Disqualification of members of (see "Disqualification.")	8
Election of (see "Election.")	
Exclusive right to exercise trade, may not give	130
Exception from serving as	8
Exercise powers of City, to	8
Existing contained	4, 138
Indemnity of	130
Interest of, in—	
Contract with corporation, forbidden—except on	8, 9
Question before Council dis- qualifies from voting, etc., on	76
Investments liability of for un- authorized	130
Licenses, powers as to	129
Nomination of (see "Nomina- tion.")	
Penalty for having dealings with City	8
Qualification of	8
Refusing to accept office, pen- alty for	136
Resignations of	88
Term of office	10
Witness where corporation a party or under by-law, may be Mandatory, not to grant	286 129
Exception as to ferries	259
Powers of —	
By-law to be overlaid by un- less otherwise provided	128
By-laws respecting (see "By- laws.")	
Criminals, to offer rewards re- specting	263

	PAGE
COUNCIL—Continued	
General	128
How exercised	128
Investigations, to order	303
Land, respecting (see "Land.")	
Light, for supply of	225
Water, for supply of	271
Provisions of how governed	138
QUALIFICATION of members of	8
SHAREHOLDERS in companies not dissolved	8
TENANTS of City property not dissolved	9
VACANCIES in—	
Elections, to fill (see "Elec- tions.")	
Filling, in default of elections	55
Grounds of	54
Warrant for new election	55
COUNSEL may appear on objec- tions to by-law	131
COUNTY JUDGE, (see "Judge of County Court.")	
COURT	
Election, (see "Controverted Election.")	
Police, (see "Police Court.")	
Revision of assessment roll, (see "Revision of Assessment Roll.")	
Revision of appeals to and from, respecting special assessments	177
COW HOUSES, keeping of	213
CRANES, regulation of	208
CRIMINALS, rewards for recov- ery of	263
CRUELTY TO ANIMALS, etc., by-law respecting	201
CULVERTS—	
By-laws respecting	173
Local improvements, as	173
Cost of Council may assume part of	184
CURFEW BELL, by laws respect- ing	202
CYCLE PATH BOARD, its pow- ers, etc.	241

D

DAIRIES, by-laws respecting	214
DANGEROUS MATERIALS, storage of	203

DEAD, interment of, by laws re- specting	199
---	-----

	PAGE.		PAGE.
DEPUTY—Continued		DISQUALIFICATION—Contd.	
DIRECTIONS for voters (<i>see that sub-title</i>)		CORRECT practices, for	64, 65, 66
DURIES of —		COUNCIL, of members of	8, 54, 55, 103
Election, at —		After election	6, 54, 55
Poll at close of ..	44	Arrears of taxes not to form	8
During	39-44	Excessive indemnity, for voting	
Vacancy, to fill	11	or receiving	120
Voting on by laws, at:—		ELECTORS of ..	9, 10
Poll, at close of	139	MAYOR of	8, 9
Poll during	38, 37	REPEATING vote, for ..	37
List of electors (<i>see that sub-title</i>)		TRANSACTIONS with Cty, certain	
POLL book (<i>see that sub-title</i>).		not to disqualify	8
RETURN of:—		Use of Cty water or electric	
Elections, at ..	11	power not to form a ..	9
Voting on by-law, at ..	138	DISTILLERIES, by-laws respect-	
Voting where stationed —		ing	215
By-laws, on	33	DISTRESS—	
Election, at	37, 38	HUTCHES' meat selling of under	216
DESCRIPTION of land in adver-		By-law directing for non-pay-	
isement of sale of lands		ment of taxes	104
for taxes	100	CONVICTS under by-laws, on	220, 226
OBJECTIONS to voters:—		By-laws authorising	220, 227
DEPUTY returning officers, to re-		ing on for unnecessary as to	
ceive	15, 134	taxes	109
Form of	15, 134, 293	LEVYING taxes by	104
Elections, for	15, 220, 293	LEVYING taxes by, permissive not	
Voting on by laws for	134, 298	compulsory	105
Posting up, to be	15	MENT of market stalls for	314
DISCLAIMER of officers:—		Sale of goods seized under	104, 105
Arrest complaint	63	DISTRICT REGISTRAR—	
Release complaint	63	CERTIFICATES as to lands sold for	
DISCOUNT for prompt payment		taxes may grant	115
of taxes	63	CITY liable to, for incorrect cer-	
DISMISSAL:—		tificates, etc	115
CONSTABLES, of	270	JURIES as to goods sold for taxes	115-12.
Clerks of ..	127, 201	LANDS sold for taxes, acquisition	
DISORDERLY conduct:—		of title to	117
STREETS, on, by laws respecting	211	MAY grant certificates, etc	116
DISORDERLY houses:—		Fees for certificates ..	116
By laws respecting	241	MENT of receipts to give	117
DISQUALIFICATION:—		RESTITUTION money to pay over	117
ALDERMAN, as	8, 9	RETURN of lands sold for taxes to	
ASSISTANT, of ..	238	be made to ..	116
ARREARS of taxes not to form as		RETURN of lands, form of to be	
to Council	8	provided by	116
CANDIDATE unseated for, not to		TIME for redemption of land in	
run for vacancy	62	office of	116
CERTAIN exceptions made	8	TREASURER to make return of land	
		sold for taxes to	116
		DOCKS, by-laws respecting	219, 220

	PAGE		PAGE
DOCUMENTS, printed, when received as evidence	130	DRAINAGE— <i>Continued</i>	
DOLS, by laws for taxing, etc	201	By-laws respecting	172, 217, 219
DOORSTEPS, by-laws for removal of	219	Cellars, cesspools, etc., of by laws to regulate	204, 216
DRAIN (see also "Drainage")		Land, for, acquiring	200, 201
Acquiring lands for	200, 201	Local improvement, by laws respecting	18, 182
Branch assessment for	281	DRAVE, by laws as to stands for	221
Cleaning, of	217	Drivers of, to be licensed	223
Construction of across lands of others, proceedings	172	DRIVING—	
Connections construction of when pavement being built	181, 182	By-laws respecting	202
Deer for construction of inclosing	147	Bridges and highways on	202
Extraction of land for	218, 251	Sidewalks on	220, 223
Falling up, by laws respecting	217	Furious, on highway, penalty for	202, 239
Injury to, penalty for	172, 204	Wreck drunken in charge of vehicle, penalty	209
Obstruction of, by-laws for preventing	174	Without bells or whistles	220
Obstruction penalty for	172	DRI MS, seating of a street, preventing	201
Penalty for inclosing	172	DRUNKENNESS—	
DRAINAGE, (see also "Drain")		By laws for preventing	211
Across lands of others, proceedings	172	During in state of, penalty for	220
		DRUNKEN PERSONS, by laws restraining and punishing	211
		Dr h, when taxes are	105

E

EATING HOUSES, by-laws respecting	221	ELECTION— <i>Continued</i>	
ELECTION—		Clerk—	
Agents of candidate —		Ballot boxes, clerk to furnish	18, 14
Appointment of	20	Ballot papers, to furnish	14
Candidate may act as	53	Ballot papers, duties of, respecting	14, 15, 120
Certificate may vote on	37	Certificates authorizing officers, of al, to vote where station of may give	37, 120
Declaration of secrecy, to take for attendance of not to effect election	54	Chairman of nomination meeting	12
Number of	20	Corrupt practices, reports of accusations relating to—	
Receipt of votes, may be presented at	50	Deputy returning officer, to furnish a	68
Secrecy of voting, to maintain	47	Post up certain, to	68
ALDERMEN by acclamation when	13	Deputy returning officer, to act as, or certain cases	11
ALDERMEN, when and where to be held	10	Directions for voters, to furnish to deputies	15
Ballot boxes, (see that sub-title)		Expenses of City to bear	64
Ballot papers, (see that sub-title)		Poll books, to furnish	10
Clerks to furnish	14		
Inspection of	40		

	PAGE
ELECTION—Continued	
Recount of votes, to attend	50
Returning officer, to be	11
COMPARTMENTS for voters	15
CONTROVERSY (<i>see that sub-title</i>)	
CORRUPT practices (<i>see that sub-title</i>)	
DECLARATION (<i>see that sub-title</i>)	
DEPUTY returning officer (<i>see that sub-title</i>)	
DIRECTIONS to voters (<i>see that sub-title</i>)	
DISCLAIMER (<i>see that sub-title</i>)	
DISQUALIFICATION (<i>see that sub-title</i>)	10
ELECTORS (<i>see that sub-title</i>)	9, 10
EXPENSES incurred by officers	54
EXPENSES of candidate, what are <i>within</i>	55
IMPEACHMENT <i>what</i>	47
IRREGULARITY not to affect	54
LIST of electors (<i>see that sub-title</i>)	
MAYOR, by acclamation, when	13
NEW or disqualification of members of Council	55, 56
NOMINATION (<i>see that sub-title</i>)	
OATHS—	
Certificate, of persons voting on	39
Vote of person claiming to.	39, 50
OFFENCES respecting	17, 53, 54
PETITION manner and time of presenting	57
PLACE of holding	10, 11
Not to be where liquor is sold	11
POLL book (<i>see that sub-title</i>)	
POLLING (<i>see "Voting."</i>)	
POLL clerk (<i>see that sub-title</i>)	
POLLING places (<i>see that sub-title</i>)	
QUALIFICATION of candidate	8
QUALIFICATION, question of, not to be raised at elections	9
RECOUNT of votes (<i>see that sub-title</i>)	
SEPARATING vote, at	17
RETURNING officer clerk of City to be	11
Riot interfering with, in case of	47
SECURITY of voting (<i>see that sub-title</i>)	

	PAGE
ELECTION—Continued	
TIME of holding	10
To be held annually	10
VACANCY in case of	56
Time and place of	10, 11
Warrant for	53, 56
VOTING (<i>see that sub-title</i>)	
WRINGS to be held	11
ELECTORS—	
BY-LAWS requiring assent of (<i>see that sub-title "By laws."</i>)	
DEGREE ASSURANCE of	9
Corrupt practices, for	67
LISTS of (<i>see that sub-title "List of Electors."</i>)	
MEANING of term	2
MUST be named in list of electors	9
QUALIFICATIONS for	9
ELECTRIC APPARATUS , inspection, etc., of	305
ELECTRIC LIGHT	
COMPANIES, rights of, saved	162
POLICE, by-laws respecting	305, 306
POLICE deemed real estate	85
USE of	320
ELECTRIC MOTORS , etc., installation of	305
ELEVATORS , by-laws regulating	303
ELECTRICAL WORKS , City may construct on assent of electors	168
ELECTRICITY , by-laws regulating generation, etc., of	300
EMBANKMENT	
Local improvement by-laws respecting	172
PENALTY for injuring	354
ENCUMBRANCE , unassessed assessments not deemed	173
ENCROACHMENT—	
Roads, on, penalty for	271
ENGINEER—	
APPOINTMENT of, etc	261
ERROR , correction of in assessment roll	90
LANDS sold for taxes on	110
ESTIMATES—	
ANNUAL, to be made by Council	150
EXCESS or deficiency of, effect of	151

	PAGE		PAGE
EVIDENCE—		EXEMPTIONS FROM TAXA-	
ARBITRATORS , on, to be in writ- ing and filed	209	TION—	
BY-LAWS of Council—		AGRICULTURAL , societies, lands of	92
Application to quash, on	146	BY-LAWS of City, property ex- empted by	92
Certified copies of, at	130	CEMETERIES	92
Corrupt practices in voting on, of	146	CHURCHES	92
Printed copies of, at	130	DOMINION Government land	91
Records of, of	130	LANDS vested in the City	91
BY-LAWS of Police Commis- sioners, of	209	LIMITATIONS , of right of	92
CONSUME practice, of—		PRIVATE , & Government lands	92
Price vote, to be given	97	exception	92
ELECTION documents produced by clerk as	48, 50	PUBLIC schools	91
ELECTION paid on, on (are that sub-let)		Y. M. C. A. property	101
EXEMPTION on packet of to lots as	50	EXHIBITIONS—	
FIRE commissioner before	108	BY-LAWS respecting	109, 110, 124
INQUIRIES as to misconduct upon	802	City may acquire site for monument or end suppression of	106
INQUIRIES respecting finances, upon	154	EXPENSES—	
VOTES , of having	97	UNKNOWN of what are lawful	66
EXCAVATIONS , by laws respect- ing	219	COMMISSION of duty and the owners of	66
EXCAVATIONS , in streets, reg- ularing	219	ELECTION of City to hear over and	6
EXECUTION served by sheriff or bailliff for taxes, notice of taxes due	100	EXP. COMMISSION , by laws respecting	109
EXECUTIONS against City, pro- ceedings to enforce	247	EXPROPRIATION OF LANDS—	
EXECUTIONS for costs of appeal re list of electors	31	ABSENT owners, of	220
EXECUTORS , contracts of re- specting lands	232	APPLICATION for procedure on	227
EXEMPTIONS—		ARBITRATORS for	226
FIRE seizure for taxes	107	COMPENSATION to be made to owners	249
MUNICIPAL office, from holding	0	Tender of	251
TAXATION , from	31, 42	COSTS of	251

F

FARES for hired vehicles—		FERD tables, by laws respecting	99
BY-LAWS respecting	226	FEES—	
FARM produce, no by-law to im- pose fee for selling	227	APPLICATION for title under sale of lands for taxes	100
FARD bank tables, by laws respect- ing	21,	CERTIFICATE of oath, or money chargeable for, when	101

CITY officers of, to whom to be		<i>See above</i>	
CURSE of no returning officer not allowed		<i>See above</i>	
COMMISSIONERS of —		<i>See above</i>	
Inquiries as to finances		<i>See above</i>	
COUNTY JUDGE —		<i>See above</i>	
Investigating and finance charge, for		<i>See above</i>	
FARM produce to be free from		<i>See above</i>	
MARKET, by-laws respecting	2.	<i>See above</i>	
OFFICIALS, of, by laws fixing		<i>See above</i>	
PETITIONS against tax sale fund		<i>See above</i>	
Witness on trial of election peti-		<i>See above</i>	
MEASURES of Council		<i>See above</i>	
Convicted as, forfeits seat		<i>See above</i>	
Disqualified as		<i>See above</i>	
TRANS. Treasurer may be a		<i>See above</i>	
LAW, may vote on		<i>See above</i>	
ELECTOR, may be an		<i>See above</i>	
LAWS respecting	206.	<i>See above</i>	
BARRER ware		<i>See above</i>	
COMPENSATION for injury to		<i>See above</i>	
LAWFUL, by-laws respecting		<i>See above</i>	
Obscene posters on, by-laws for preventing		<i>See above</i>	
FENCE VIEWERS, by-laws ap-		<i>See above</i>	
FERRIAGE, Council may fix	221	<i>See above</i>	
FARRIES		<i>See above</i>	
By-laws respecting		<i>See above</i>	
Exclusive privileges as to be granted		<i>See above</i>	
FLEETH by-laws respecting		<i>See above</i>	
FINANCES—		<i>See above</i>	
Commissions of inquiry into	124	<i>See above</i>	
Expenditure of commission, pro-		<i>See above</i>	
visions as to	124	<i>See above</i>	
FINES <i>see sub-header "Penalties,"</i> "Penalty"		<i>See above</i>	
FIRE <i>See above</i>		<i>See above</i>	
In shops, regulations		<i>See above</i>	
Protection from, by-laws respect-		<i>See above</i>	206, 207
ing		<i>See above</i>	
FIRE ARMS, by-laws respecting		<i>See above</i>	211
discharge of		<i>See above</i>	
FIRE BRIGADE, by laws respect-		<i>See above</i>	206
ing		<i>See above</i>	
FIRE BUCKETS, by laws respect-		<i>See above</i>	207
ing		<i>See above</i>	
FIRE COMMISSION—		<i>See above</i>	
Provisions for		<i>See above</i>	198
FIRE companies, by-laws respect-		<i>See above</i>	206
ing		<i>See above</i>	
FIRE crackers, by-laws respecting		<i>See above</i>	221
FIRE escapes, by-laws respecting		<i>See above</i>	205
FIRE inspectors, by-laws respecting		<i>See above</i>	207
FIRE motis, by-laws respecting		<i>See above</i>	203
FIREMEN, by-laws respecting		<i>See above</i>	206
FIREPLACES by-laws respecting		<i>See above</i>	207
FIRES, suppression of, by-laws re-		<i>See above</i>	207
specting		<i>See above</i>	
Suspension order at		<i>See above</i>	207
FIREWORKS, by-laws respecting		<i>See above</i>	221
FISCAL year, term of		<i>See above</i>	260
FISH by-laws for inspection, etc	212, 213	<i>See above</i>	
FLUES, by-laws respecting		<i>See above</i>	207
FOOD, adulterated, prevention of		<i>See above</i>	
use of		<i>See above</i>	212
By-laws for inspection of		<i>See above</i>	212
Tainted, destruction of		<i>See above</i>	212
FORSTALLING, by-laws for pre-		<i>See above</i>	212
venting		<i>See above</i>	
LIGHT weight, for, by-laws im-		<i>See above</i>	212
posing		<i>See above</i>	
SEAT in Council, of		<i>See above</i>	24, 25
FORM		<i>See above</i>	
Application to compel assessment		<i>See above</i>	
commissioner to fulfil duties		<i>See above</i>	14
BALLOT paper—		<i>See above</i>	
Election, for		<i>See above</i>	15
Voting on by-law, for		<i>See above</i>	122
Assessment commissioner, of,		<i>See above</i>	
on list of electors		<i>See above</i>	17
Assessment commissioner, of,		<i>See above</i>	
when no appeal against list of		<i>See above</i>	
Judge's in case of appeal		<i>See above</i>	24, 26

FORM— <i>Continued</i>	PAGE
CERTIFICATE— <i>Continued</i>	
Judge's when no appeal	37
CERTIFICATE of land sold for taxes	132, 134
CERTIFICATE of redemption from tax sale	136
CERTIFICATE of taking declaration of incapacity to mark ballot of	43
COMPLAINT against list of electors	19
CONVICTION under by-law, of	200
DIRECTOR	
Defect of not to invalidate	185
Transfer of provision for	185
DECLARATION, of:—	
Agent, at vote on by-law of	45
Deputy returning officer at close of poll of	43
Incapacity to mark ballot, of	43
Office of	123
Qualification, of	124
Secrecy at election, of	48
Secrecy at vote on by-law, of	141
DEFECT in effect of	182
DEDUCTIONS for voters of:—	
Election, at	15, 208
Vote on by-law, at	134, 135, 209
DISCLAIMER after petition, of	63
DISCLAIMER before petition, of	63
NOTICE of:—	
Impounding animal, of	200
Promulgation of by-law, of	144
Special assessment of	176, 178
OATH of:—	
Arbitrator of	257
Deputy returning officer at close of poll on by-law, of	43
Voter at election, of	39, 39
Voter on by-law, of	137
ASSESSMENT rolls, concerning:—	
Certificate of assessment commissioner on	94
Form of business assessment roll	203
Form of general assessment roll	203, 204
Notice of assessment (business tax)	204
Notice of assessment (realty)	207
ELECTIONS, concerning:—	
Agent of candidate, declaration of secrecy	48
Ballot papers	282

FORM— <i>Continued</i>	PAGE
ELECTIONS— <i>Continued</i>	
Certificate of deputy returning officer after poll	44
Declaration of officers at	185
Directions for guidance of voters	206
Declaration as to use of voters lists, etc.	43
Declaration of secrecy	48
Declaration of incapacity to mark ballot	43
Disclaimer of candidate, after complaint	63
Disclaimer of candidate before complaint	63
Declaration of incapacity to read	73
Deputy returning officer's statement of poll	44
Deputy returning officer's oath of office	125
Judge's statement on receipt of votes	51
Oath of person claiming to vote	38
Poll clerk, oath of office	123
Returning officer oath of office of	123
Secrecy, oath of	48
Statement of the poll at	44
GENERAL:—	
Annual report of Council, to Lieutenant Governor	153
Arbitrator oath of	257
Conviction under by-law	200
Departments, provisions for transfer of	123
Declaration of office:—	
By members of Council	124
By returning officer	124
By deputy returning officer	125
By poll clerk	123
By City Clerk	123
By Treasurer	123
By Assessor	123
By Collector	123
By Constable	123
By Comptroller	123
Impounding animal, notice of	200
Local improvement by-law, recitals in	186
Qualification, declaration as to	124

FORM Continued.	PAGE.	FORM Continued	PAGE.
List of electors as to—		Redemption from, certificate of	
Certificate of assessment com-		by Treasurer	116
missioner on list of electors	+	Redemption from certificate of	
Certificate of Judge on revised		by District Registrar	118
list of electors	35	Votes on by-laws, concerning—	
Where no complaints	37	Agent declaration of office	132
Application for	38	Ballot paper	138
Appointment to compel revision		Declaration of secrecy by of-	
of	34	ficer	141
List of electors, of	203	Deputy returning officer's state-	
Notice of complaint list of elec-		ment of poll	138
tors	18, 19	Directions for guidance of vot-	
Notice of sitting of Court of		ers	134, 138
Revision, list of electors	31	Oath of deputy returning officer	
Order for assessment of per-		after poll	139
sons added to	32	Oath of person claiming to vote	
Order for payment of costs on		at	137
appeal from	30	Secrecy declaration of	
Subpoena for attendance of a		Statement of poll by deputy re-	
witness at Court of Revision,		turning officer	138
list of electors	23	FRONTAGE tax for local improve-	
Summons to assessment com-		ments	174
missioner to proceed with re-		To apply to at least 10 feet	174
vision of	33	FRUIT	
Writ of execution for costs on		By-laws for preventing monop-	
appeal from	31	oly of	215
Sale of lands for taxes concern-		FRUIT SHOPS—	
ing—		By-laws respecting	223
Assignment of certificate of	114	FUEL—	
Certificate of, when for amount		By-laws respecting	216
of taxes and costs only	115	FUND—	
Certificate of, when for more		Tax sale	221
than arrears and costs	113, 114		

G

GAMBLING houses, devices, etc.		GAS-WORKS— Continued	
by-laws for suppressing	215	Conditions under which City	
GARBAGE, compulsory removal of	218	may construct	162 to 168
GAS, use of for lighting	220	Expenditures for	169, 167
Works, section of	165	Debt for not deemed to dimi-	
GAS Company—		nish borrowing powers of City	168
Pipes of, placed in or under		Electrical works may be in-	
streets deemed real estate	86	cluded in gas works	168, 169
Rights of existing saved	162	Lands acquired for specially	
Rights of Winnipeg Electric St		charged with cost of	167
By Co. saved	169	Measuring of tanks	168
GAS works, by-laws respecting ex-		Members of Council not dis-	
cavations	219	qualified for using gas from	168
Construction of by City—		Powers of City concerning	162 to 168
City may construct	165	Revenues to be paid to Treas-	
		urer	169, 163

	PAGE.		PAGE.
INQUIRY		INSTALLMENTS , when taxes pay-	
COMMISSIONS of into officers	134	able by	133
EXPENSES of	134	INSTALLMENTS , extension of	24
COMMISSION of respecting fines	138	INSURANCE Companies, by laws	
MISDEMEANOR into charges of	283	respecting	224
INSOLVENCY , disqualifies mem-		INTELLIGENCE officers, by laws	
ber of Council	34-35	respecting	223
INSPECTION —		INTEREST how estimated	148
ASSESSMENT roll business tax of	81	CONVEYANCE on expropriated	
ASSESSMENT roll general	98	lands	249
BALLOT papers, of	49	DEBENTURES, on not to exceed	
BUILDINGS of	204	5%	132
DOCUMENTS, etc., of penalty for		INTERMENT of the dead, by	
refusal to give	75	laws respecting	129
Fire buckets, of	207	INTERPRETATION of expres-	
Form of	211	sions	150-1
PLANNING, of	217	INTOXICATION (see "Corrupt	
ROADS, bridges, etc., of	201	Practices")	
STAMPS and embossing of	213-214	INVESTIGATIONS into charges	
Weights and measures, of	216	against officers	263
INSPECTORS , by laws appointing —		INVESTIGATIONS into finances	154
BUILDINGS of	204	INVESTMENTS and accounts	152
Fire	207	IRREGULARITY effect of —	
Food, of	212	ASSESSMENT in special	
Noxious weeds, of	201	districts upon	155
Weights and measures, of	216	ELECTIONS, per	54
		Proceedings of councils and of-	
		ficers	153
J			
JOINT owners of lands, assessment		JUDGE of County Court—	
of for taxes	84-85	Continued.	
JOINT owners or occupants —		POLICE commissioner for City	268
Elections, when	16	LAWYER, by laws, to take evid-	
JUDGE of County Court —		ence	147
Appointment, from special assess-		Reduction of rates by —	
ments	177-179	Elections, at	59
ARBITRATOR, may appoint when	215	Voting on by-law at	144
BALLOT papers, may grant notice		JUDGE of Court of King's Bench,	
of	49	application to to assist by	
CORRUPT practices to report on	67	law	145
ELECTION petition, (see "Contro-		JUNK stores, by laws respecting	233
verted Elections")		JURISDICTION general, of Coun-	
EXPROPRIATION powers of re-		cil	129
specting ..	253	JUSTICE of the Peace —	
Absent owners, of lands of	252	COMMITMENT by	268, 267
Interest on compensation in		QUALITY ATTEST not required of	
cases of, may order payment of	253	Mayor	267
Powers of generally in cases		JURISDICTION of	267
of	250-254	MAYOR, as officer of	268
Fines, on investigation of charges		OATHS under Act may take	261
against officers of City	255	PENALTIES imposed and awarded	
MISCONDUCT in City matters, to		by	267
investigate charge of	255		

	PAGE.		PAGE.
LADDERS, by-laws requiring	205	LEVY OF UNPAID TAXES— <i>Continued</i> .	
LAND Drainage Act, uncontracted assessments under, not encumbrances on land	173	On real property	104
LANDS —		Who may make	104
Acquiring land for use of City, by-laws for	200	LEVY rates of, general, list of	151
Acquisition etc	200	LIBRARY, FREE PUBLIC —	
Cemetery, for	199	Debtors, \$15,000 for site of a	105
Drainage, for	218	Debtors, \$30,000 for site of and equipping a . . .	105
Generally	2, 200	Debtors, \$30,000 for equipping a . . .	105
Compounded mortgage, for	108	L.B.R.A.Y., PUBLIC, debtors for construction of, etc 155, 180, 226	
Outside City limits . . .	161	LICENSES, for —	
Roads for	237	Amusement places of	224
Assessment of, (see "Special Assessment")		Architects	224
Business tax not a lien upon	51	Bill-posters	225
Disability, of person under, sale, etc	212	Brass or tagatelle tables, etc.	223
Expropriation of, (see "Expropriation of Lands")		Bowling-alley's	224
Highways, constituting, vested in Crown	230	Butcher-stalls	224
Liability of, to taxation	51	Cabs or cabsages	225
Meaning of term	2	Chimney-sweeps	205, 217
Sale of, where site of disused road	212, 224, 225	Circus, etc	223
Sale of, held by trustees	222	Commercial travellers	224
Sale of, taxes for, (see "Sale of Land for Taxes")		Drays, etc	225
LANES —		Drying-rooms, etc	225
By-laws respecting	217 2, 3, 227	Electricians etc	206
Cost of opening	173	Electric light and power companies	220
Conveyance to railway company, conditions respecting	218	Exhibitions	223
City, powers of, to expropriate for	218	Fees may include such for each animal, etc	129
Jurisdiction over	173, 231	Hacks	223
Local improvement by-laws respecting	173	Hawkers	223
Names of, changing, by-laws respecting	190	Horse-movers	219
Orders, etc., of	227	Insurance companies . . .	224
Possession of	231	Intelligence offices	225
LAVATORIES, sewers, etc., in streets	218	Junk stores	226
LESSEE, remedies of, upon payment of taxes	245	Livery stables, horses, etc	225
LEVY OF UNPAID TAXES —		News-boys	226
For business taxes	91	Ordnances	225
Or companies	91	Paw-mongers	225
		Plumbers	217
		Public entertainment	223
		Public exhibitions	223
		Refreshment houses	223
		Rolls, skating and roller . . .	224
		Scavengers	217
		Second-hand stores	225
		Shoe-blacks	226
		Telegraphs and telephone companies	224

	PAGE		PAGE
I. CENSUSES—Continued		LIST OF ELECTORS—	
THEATRICAL companies	223	APPEAL	
TOBACCO stores, etc	223	Costs of	20, 20, 21
TRADES	129, 223	Officers, payment of, by	20
Transient	223	Death of party effect of on	20
TRADING stamps, companies and merchandise	224	How made	18
VENDORS of milk	214	Notice of	18
ITEM —		Place of hearing of	19, 20
IMPROVEMENTS by tax sale pur- chaser for	120	Time of hearing of	19
PERSONAL property liable to for business tax	95	APPOINTMENT to hear appeals, ap- plication for	19
PURCHASE money for, when sale not made	142	ASSESSMENT COMMISSIONER	
TAXES for	104	Apply for judge's certificate where no appeals, to	27
LIEUTENANT-GOVERNOR		Assessment roll to produce at Court of Revision	26
ANNUAL RETURNS to	113	Compelling performance of duties of	24, 25
By-LAWS approved of, by—		Compensation, entitled to no	26
Receivals must be proved for	120	Duties of	28
Roads, opening, closing, etc	223	Hearing of appeal	
DISPOSITION of money raised by special rate, powers of respect- ing	122	Appointment for to obtain	19, 20
FINANCE, may issue commission, of inquiry into	124	Notice of, to give appellant	19, 20
GUARANTEE company, approval of, by	128	Notice of, to give party ap- pealed against	21
JUSTICES, power of, to appoint, saved	207	Inquiries to be made by	20
RETURN of debts to be made to	152	List of electors, preparation of, by	16
LIGHT WEIGHT, penalty for	216	List of electors, posting up by	17
LIGHTING of streets	220	List of electors, to insert neq- uerty qualification in	16
LIGHTS in shops, by-laws regu- lating	207	ASSESSMENT ROLL, effect of, as evidence	18
LIME, by-laws respecting	207	When understood to be finally revised	16
LIMITATION —		By-LAWS, for voting on	126
Actions of, (<i>see</i> "Action")		CERTIFICATE on, form of	17
Awards, of time of confirming	261	Date of what to be	17
Awards, of time of moving against	262	CONTINUOUS copies of, to be furnish- ed to deputy returning officer	16
By-LAWS, of application to quash	145	CERTIFIED copies of, <i>prima facie</i> correct	28
CLAIM upon tax sale fund time for making	121	COMPLAINTS and appeals against	18
CLAIMS, making of, in expropria- tion of lands by City	220	CONSTABLE, appointment of, to at- tend Court of Revision	22
LIMITS of City and wards	2, 7	DEATH of appellant or abandon- ment of appeal	28
LIQUOR election not to be held at place where sold	11	DISPOSITION of	17, 18
LIST of lands to be sold for taxes	106	ELECTORS, requiring of term	2
Omission from, effect of	110	EXECUTION for costs	31
		EXTRA copies of, how obtained	24, 27

	PAGE		PAGE
LIST OF ELECTORS <i>Continued</i>		LIST OF ELECTORS <i>Continued</i>	
FORM, list of electors of	16, 32	MAILED, dates of	19
FORMS —		MINUTES, when may be placed on	
Application to compel assess-		list	22
ment commissioner to per-		NAMES and addresses of Mayor	
form duties, of	24, 25	etc., to be printed on	27
" " order		NOTICE of complaint against	18, 19
thereon	25	Officials of City addresses of,	
Certificate on list of electors of		upon	17
Assessment Commissioner's		PENALTY —	
original	27	Assessment commissioner, for	
Where no appeal	26, 27	breach of duty, of	22
Judges, in case of appeal	24	Disposition of	246
Judge's, where no appeal	26, 27	Falsification etc., of list	32
Judge's, where proceedings		Illegal practices, for	26
had to compel revision of		Insertion in list, for improper	26
list of electors	24, 25	Qualification for giving false	22
Complaint against list	18	Recovery of	28
Execution for costs, of	31	PRINTED, to be	17
Notice of —		Revision by County Judge of	13
Appeal from list of	19	Revision of, proceedings to com-	
Application for change of		pel	34
name on transfer of prop-		SALE of copies	17, 18
erty	29	SERVICE of notices	22
Sitting of Court of Revision of,		SITTING of Court of Revision,	
notice of	21, 22	notice of	21, 22
Sitting of Court of Revision,		STARTING off names for non-at-	
notice of to be published	21	tendance	24
Subpoena for attendance of wit-		TAXES, recovery from party not	
nesses	23, 24	on roll	32, 33
TAKEHOLDERS, meaning of term	37	TENANT meaning of term	37
HOLDERS, meaning of term	37	TIME provisions as to, directory	
JUDGES of County Court:—		only	38
Appointment of, for hearing		To be noted up by assessment	
appeals	19	commissioner	17
Certificate of revised list by	24-25	To be printed	17
Where no appeal	27	TEARINGS of property after list	
Copies of list, to transmit to		made	20
certain officers	26, 27	When Court of Revision of to	
Decision of, final	18	be held	20
Disposition of lists by	25, 27	Witnesses, procuring attendance	
Frauds to report	29	of	22, 23
List of electors, to revise	18	LIVERY stables, (see "Stables")	
Powers of —		LOCAL improvements, (see "Spe-	
Amendments to make	29	cial Assessment")	
Application to compel assess-		UNACCURED assessments for not	
ment commissioner to per-		detained encumbrance as be-	
form duties, on	24, 25	tween vendor and purchaser	172
Remuneration of	29	MAY be made before special as-	
Remuneration payment of	29	sessment levied	177
LAST revised, to be used at elec-		CITY may assume part of cost of	184
tions	18		

	PAGE		PAGE
LOCK UP HOUSE.—		LOTS vacant	
ENTANGLEMENT of	208	ENCLOSING, by laws, as to	208
IMPRISONMENT in	204	LUNATIC, contracts, etc., as to	
LOTS, numbering of, by-laws for	180	lands of	252
LOTS, numbering of, charge for	140		

M

MACDONALD VOTING MACHINE, regulations as to use at elections	68-74	MAYOR— <i>Continued</i>	
REGULATIONS as to voting on by-laws	142-147	Borrowing money, powers of, for	147
MAGAZINES, by-laws respecting	208	By LAWS, to sign	129
Appointed land for	208	DECLARATION of office by	128
MAGISTRATE, (see "Justice of the Peace," "Police Magistrate")		DUTIES of	78
MALFEASANCE of officer investigation of charge of	203	DISQUALIFICATION of	0
MANDAMUS to compel officers to perform duties under excursions	249	DUTIES of meetings of Council respecting	74-76
MANITOBA GAZETTE		ELECTION of member to fill vacancy in office of	55
Clerk to keep on file in his office	209	FIRE commissioner of Winnipeg, to be	198
Notices need not be published in, except where specially required	162	HEAD of City to be	8
Sale of taxes, advertisement of, to be in	109	INSURANCE of	120
Sale of impounded animals, etc	209	JUSTICE of the peace	
MANUFACTURES dangerous, by-laws respecting	267	<i>Ex officio</i> , to be	266
MANURE, by-laws for removal of	212	Jurisdiction and powers of, as	267
MARKET CLERKS, by-laws for prescribing powers of	216	Qualification of, as, unnecessary	267
MARKET PLACE, changing use	216	NOMINATION of, (see also "Nomination")	13
MARKETS		OATHS, power to administer	125
Acq. MISC lands for	251	PENALTY for voting twice, for	27
By LAWS respecting	212, 216	PERSONS disqualified to be	8
RATES for selling in	216	Police Commissioner of City, a	268
VEHICLES about regulation of	216	Police Court in City, when to attend	267
MARRIAGES, endorsement as to, on tax notices	169	Police committees, may call out	268
MARRIED women, contracts, etc., as to lands of	252	PRESENT of Court of Revision to be	97
MAYOR—		QUALIFICATION as	8
Assessors from City of	70	VACANCY in office of	55
Acting, appointment of	70	VEND of money by-laws, etc., by	78
Aldermen to appoint, when	255	Vote for, where to be given	27
Ballot paper for election of	15	WARRANT for new election	61
Bonds of Winnipeg, to sign	124	MEASURES, by-laws respecting	258
		MEAT, by-laws respecting	212, 213
		REGULATING sale of	214
		Sale in public streets, prevention of	256
		MEDALS for bravery at fires, granting of	266
		MEETINGS—	
		Council, of (see "Council")	

	PAGE.		PAGE.
MEETINGS—Continued		MONEY BY LAWS, proportion	
Nominations for, (see "Nom- ination")		of ratepayers necessary to carry ..	147
Police commissioners of	208, 209	MONEY of City to be deposited in treasury daily ..	155
Sinking fund trustees ..	189	MONOPOLIES	
MEMBERS OF COUNCIL, (see "Council")		Franchise, respecting ..	226
MENAGERIES, by laws respecting	221	Granting of prohibited ..	199
MENDICANTS, by-laws respecting	211	Market produce, of, by laws pre- venting ..	215
MILEAGE to members of Council, not allowed ..	125	"MONTH" notice of 30 days equal to ..	170
M.L.K. by-laws respecting	212, 214	MORTGAGE investment of sink- ing fund on ..	189
MORAL (see "Moral")		MOTOR CARS, by-laws respecting	202
MISCONDUCT of officer investi- gation of ..	283	MUNICIPAL COMMISSIONER— Returns to be made to ..	102

N

NAMING STREETS, by laws for	199	NOMINATIONS—Continued	
NAPHTHA, storage of, regula- tions as to ..	205	Vacancy in Council in case of Candidate unseated for want of qualification, same of not to be received at ..	56
NEGLECTANCE, action for Non-repair of streets, against City for ..	231	NON RESIDENTS, assessment of lands of ..	84
Terms of amends in ..	247	NON RESIDENTS, notice to, in cases of expropriation ..	250, 252
NEW ELECTIONS, (see "Elec- tions")		NOTARY public power of to take oaths, etc. ..	161
NEWSBOYS, by laws respecting	220	NOTE, (see "Promissory Note")	
NEXT DAY, meaning of term ..	5	NOTICE—	
NITRO-GLYCERINE, storage of, regulations as to ..	202	Assest owners, to, in cases of expropriation ..	222
NOISES, nuisance, by laws respect- ing ..	221	Action of —	
NOMINATION—		Legal by law, etc. for act done under ..	140
Assentance of to be in writing	13	Non-repair of highway, for ..	232
How made ..	13	ANNUAL rate when according to frontage ..	174
Mutiny for ..	12	APPEAL from Court of Revision, of ..	99
Names of candidates nominated to be posted up ..	13	Arbitrators of appointment of ..	204
Notice of ..	14	ASSESSMENT of lands for taxes ..	95
Place of ..	12	ASSESSMENT for business tax ..	93
Proceedings at ..	12, 13	ASSESSMENT, confirmation of ..	177
Resignation of candidates after ..	13	ASSESSMENT of property not co- improved street ..	175
Returning officer, absence or death of appointment of new, in case of ..	12	By-LAW, of —	
Time of holding ..	12,	Assent of ratepayers, requiring Local improvements, for ..	131
One week to intervene between, and election ..	13		

	PAGE
NOTICE-- <i>Continued.</i>	
City initiative, of	177
Court of Revision for special assessments	177
Court of Revision, for revision of assessment rolls	96
Defacing, by-laws as to	211
Dismissal of officers, of	187
Election petition, statement of	81
Election petition, withdrawal of	80
Examination proceedings by City, of	250
Gazette, need not be published in exception	182
Impounded animals, in Gazette, of sale of	200
Law of, upon property of companies	91
Local improvements	
By-laws, for, of	170
New officer petition against first, of	187

	PAGE
NOTICE-- <i>Continued.</i>	
Recount of ballots, at election, of	90
Recount of ballots, on by-law, of	141
Road --	
Opening and stopping up, etc	222
Special assessment, of	178
Special meeting of Council, of	77
Stray cattle to be given to clerk	240
Suit to set aside tax sale, of	132
Taxes of	188
Taxes of, endorsement on	100
NOXIOUS weeds, by laws respect	
ing	201
NUISANCE, by-laws respecting	213
NUISANCE, highway, on, penalty for	217
NUMBERING houses, by-laws as to	190



OATH --	
ACCOUNTS, verifying	126
AGENT at poll, secrecy of	42, 49
ALDERMAN office of	123
ARBITRATOR, of	257
By-law, of freeholder voting on	137
Certificate of	123
COMPTROLLER, of	158
DEPUTY returning officer --	
At close of poll	42, 120
When voting on certificate	38, 124
FIRE commissioner may take	190
MAYOR, office of	223
OFFICE of (see "Declaration")	
OFFICERS for administering	125, 161
OFFICERS, fee not to be taken by	161
OFFICERS, duties of, respecting	154
PENALTY for refusal to take	128
POLICE officers, of office	270
QUALIFICATION of, (see "Declaration")	
Votes, of --	
By-law, voting on	117
Certificate of, voting on	57, 113
Effect of refusal to take	40
Election, at	38
Who may administer, elections, at	39

OBJECTIONS to by-law, how made	131
OBSCENE, etc., language, by-laws preventing	211
OBSTRUCTIONS --	
By-laws for preventing	210, 227
Highways of, penalty for	231
OCCUPANTS, joint, qualification as electors	10
OCCUPANTS, labor to assessment for business tax through owner of building	98
OCCUPIED lands, assessment of, for taxes	84
OFFENCES, (see "Imprisonment," "Penalty")	
OFFICE, term of, for members of Council	10
OFFICE HOURS, by-laws fixing	201
OFFICERS of City --	
Appointment of, City institutions	201
Appointment of, not to be by tender, etc	197
Appointment, salaries, tenure, and remuneration, etc	126
ARBITRATORS, disqualified as	256
By-laws, creating debts, to enforce	160

	PAGE.		PAGE.
OFFICERS OF CITY—Continued		OFFICERS OF CITY—Continued	
DISMISSAL of provisions for	127	VOTING on cert-scale by	37
DUTIES of generally:—		WITNESS in prosecution, may be	165
By laws, as to	126	OIL, storage, etc. of regulations	168
Financial	126	OMISSIONS, formal, not to vitiate	163
EX STING, continued	8	OMNIBUS, by laws respecting	125
FEES received by to whom to be- long	127	OPENING STREETS, etc., condi- tions precedent to	129
FORMAL defects not to invalidate acts of	163	ORDER.—	
GUARANTY policies as security of To be approved by Lieutenant- Governor	128	INSPECTION of ballots for	49
MAJESTASANCE by, investigation of charge of	166	WITNESS, for attendance of	88
OATHS of —		ORDER of Council:—	
Before whom they may be made	125	Illegal, liability for act done under	148
Office of	125	Quashing	143
Penalty for refusing to take	126	ORDINARIES, by-laws respecting	123
Qualification, of	124	ORGANIZATION	3-4
Signing and deposit of	125	OUTHOUSES, by-laws respecting	213
When to be taken	125	OVENS, by-laws respecting	207
Who to administer	125	OVERSEERS of highways:—	
PERCUSSION of books, etc., by	79	By laws appointing	260
REMOVAL from office, of	127	OWNER	
Notice for	127	ASSENT expropriation of land of	212
ROAD allowances, not liable for bons fide mistakes in opening	330	CHANGE of, not to affect lien for taxes	160
SALARY tenure of office and se- curity	128	LAMPS occupied by, to be assessed to him	84
How fixed	128	RATED severally, w ^h occupant, both deemed rated	10
STAGERY at elections, to maintain	47	OWNERS, joint, assessment of lands of	84
TENDER not to be appointed by	127	OWNERS, cont, qualification of as electors	10
TREAS on road, duties of, as to	334		

P

PARK.—		PAWNBROKERS, by-laws re- specting	125
By LAW acquiring land for	196	PAYMENT.—	
CITY, may, acquire site for	196	PURCHASE money of lands sold for taxes of	112
EXPROPRIATION of lands for	196	TAXES of —	
SPECIAL assessment of land front- ing on	180	Before rate struck, conditions of instalments by	106
PARTY walls by-laws respecting	207	Instalments by cannot be made by after warrant for sale of and for taxes, unless all ar- rears paid	107
PAVEMENT.—		Mode of	106
CROSSINGS to private property on, provision for	183	Time of	105
DRAIN connections, making of, at time of laying	181, 182	When land subdivided after taxes due	107
LOCAL improvements, by-laws for	173		
STREET railway company, laying of, by	194, 321		

	Page		Page
PAY ROLLS, payments of to be made by Treasurer	129	PENALTY <i>Continued</i>	
PASSAGE-WAYS, regulation of	203	TAKES on road, injuring	1
PENALTIES, disposition of	203	PERSONAL estate, incumbrance of	2
General where no specific provided by act	203	PERSONAL PROPERTY	
Recovery of	203	MEANING of term	
PENALTY for (and see under different sub-entries)		Power to acquire and hold	203
Assessment commissioner neglect of duty by	24	PERSONATING voter, a corrupt practice	2, 26
Assessment commissioner, not making returns	20		
BAILOFF box, clerk not furnishing	1	After assent of ratepayers given	144
Ballot paper, offences respecting	1, 2	COUNCIL, recovery of, by	74
BILLS, driving without	1, 2	ELECTION (see "Controverted Elections")	
By-LAW, breach of		LOCAL improvements for	150
Council, of	7, 10	LOCAL improvements, against	1, 4
Police commissioners, of	203	SURPLUS proceeds of lands sold for taxes, for	127
Constables refusing to serve as, at poll	—	SURPLUS proceeds of lands, how verified	—
CORRUPT practice —		SURPLUS proceeds of lands, order	150
by prosecuting agent	27, 48	by-law for construction of	147
		FIGS, by-laws respecting	—
		FIGGERIES, by-laws respecting	—
		PLACARDS, by-laws respecting	7
DECLARATIONS, refusing to take or administer certain	—	BUILDINGS of production and deposit of	204
DEPUTY returning officer not in- forming	20	CHARGES of apportionment of cost of local improvements	177
DEPUTY returning officer receiving vote when oath refused	21	EFFECT of cancelling	126
DRAINS, injury to	1	PLUMBING of, by-law respecting	—
ELECTIONS, offences, certain	—	Sub-division to be certified by City Surveyor	79
Good-wills, wilful injury to	204	PLUMBERS, by-laws respecting	—
HIGHWAY, encroachment on	1		
Information for not giving to assessment commissioner	—	POLICE Commissioners <i>Continued</i>	23
INJURIES property	203	By-laws of	204
Loose weights	1	Traders, respecting	179
Non-payment of taxes	—	Composition of board of	24
Police, assaulting or resisting	—	Estimates of	—
REPEATING vote	—	Fees of	204
RETURNS as to debts, Council not making	—	Witnesses	204
RETURNS, clerk not making certain	—	PAYMENT of police force to make	1
Rules of road, not following	—	Place of meetings of	203
Secrecy of voting, contravening	—	Police force, authority respecting	203
Election, at	21	Witnesses, may compel attendance of	204
Vote on by-law, at	140	POLICE COURT, Clerk of	79
		POLICE COURT, establishment of	207

	PAGE.		PAGE.
POLICE FORCE —		POOL tables, by-laws respecting	283
Appointment and tenure of of		POOR , resident by laws for aiding	309
See of	270	PORCHES , by-laws respecting re-	
Composition of	270	moval of	219
Government of	270	POSSE COMITATUS , Mayor may	
Oath of office of	270	call out	248
Pay list of, to be provided comp-		POSTERS , by-laws respecting	211
roller	271	POULTRY tainted, destruction of	212
Penalty for resisting, etc	271	POLNDKEEPER	
Powers of, to make arrests	271	Appointment of	209
Regulations governing	270	Notice of same to give	205
Regimentation of	270	Pounds by-law copy of, to be	
To obey lawful orders of Chief	270	furnished to	210
POLICE MAGISTRATE —		Removal of	201
Commissioner of police for City	268	Regimentation of	201
Duties of	267, 268	To be supplied with copy of	
Jurisdiction of in City matters	267	pound by-law	201
Need not sit on Sunday	267	POUNDS , by-laws respecting	206
Powers of	267	PRECEPT to collector to levy rate	
Salary of	267	under execution	248
POLL (see "Voting")		PRIVATE DRAINS , clearing,	
POLL BOOK		draining, etc., of	217
Declaration verifying	45	PRINTED directions to voters 18, 134, 273	
Form of	45	PRIVATE road, saving clause as	
Expense of	54	to liability for non-repair of	232
Furnished to deputy returning		PRIVY VAULTS , by-laws respect-	
officer, to be	16	ing	216
Mule of keeping	16, 46, 47	PRIVIES , by-laws regulating	216
By-law, at, vote on	125	Cleaning, draining, etc	217
Return of	46, 135	Construction of	216
POLL-CLERK —		PROPANE SWEARING , by-laws	
Appointment of —		respecting	211
Election, at	11	PROMISSORY note	
Voting on by-law, for	124	By laws authorizing the giving of	147
Certificate, voting on	24, 133	Renewal of	147
May act as deputy returning of-		PROMULGATION of by-laws	144
ficer, when	11	PROPERTY —	
POLLING (see "Voting")		By-laws respecting	219
POLLING PLACES —		Meaning of expression	2
Announcement of	19	Power of City to hold	2, 200
Announcement of election, for	13	Preservation of, at fires	207
Announcement of vote on by-		Protection of	203
law, for	121	Roses in	210
Arrangement of	13	Special rate, what liable to	148
Directions for voters to be post-		Trees on highways, in	234
ed at	13	PROSECUTOR may be witness in	
Fixing for election	19	prosecution	225
For vote on by-laws	121	PROVINCIAL Government officers	
Who may be present at	29, 133	to give information to as-	
Counting of votes, during	44	sessment commissioner	84
		PROVISIONS , by-laws respecting	212, 215

	PAGE.		PAGE.
PUBLIC auctions, by-laws respecting	221	PUBLIC WORKS —	
PUBLIC bridges, by-laws respecting	220	By laws to contract debts for	247
PUBLIC buildings —		Protection of	253
By laws as to construction of	201, 204	PUBLICATION (see "Notice")	
Expropriation of land for	231	By laws generally of	144
PUBLIC drive, assessment of land on	180	FINANCIAL statement, of annual	125
PUBLIC exhibitions, by-laws respecting	223	Mammoth Game, not necessary in, unless specially required	162
PUBLIC highway— see "Highways")		PURCHASE by member of Council in which City interested	247
PUBLIC library, by-laws as to	188, 220	PURCHASE money of lands sold for taxes a lien when sale set aside	117
PUBLIC nuisance, (see "Nuisance")		P. RECHASER tax, rights of	114
		PURCHASER tax redemption money to be paid to	114



QUALIFICATION

COUNCIL, of member of	4
DECLARATION of —	
Members of Council to take, before doing business	71
ELECTION of . . .	9
MAYOR requires none as Justice of the Peace	247
QUESTION of, not to be raised at election	8
VOTER on by-law, of	117
QUARANTINE hospital erecting and establishing	180
QUARRY, acquiring land, etc., for	200

QUARRY buying railway tracks to and from	290
QUASHING by-laws	143
JURY of County Court to take evidence	145
KING'S BENCH Court of:—	
APPEAL to, on application to quash by law	145
QUORUM at meetings —	
COUNCIL of City of	76
COURT of Revision, of	93
CITY Path Board, of	242
POLICE commissioners of	263
SINKING fund trustees of	191

R

RACING, on highways—	
By laws for preventing	202, 220
RAILINGS, by-laws for removing	219
RAILWAY companies, conveyance of roads etc., to	224
RAILWAY Transition Act, property exempt under, not to be assessed	93
RAILWAYS, by-laws respecting —	
GATES, etc., for erection of, at	208
Roads, for construction etc., of, across	228
STREET, by-laws respecting	221
STREET lines of track etc., deemed real estate	84
STREET, pavements, construction of	194

RATES —	
How calculated	111
Limit of annual	151
QUARTERS —	
Council to pay annually	150
Mode of calculating	151
Surplus of, disposition of	151
SPECIAL (see "Special Assessments")	
SPECIAL account respecting, up and to be kept	119
SPECIAL additional, may be made	174
SPECIAL to be levied annually	174
SPECIAL annual, notice of, when	178
SPECIAL, by-laws, respecting	151

of the City of London, 1871-1872

RATES—Continued

SPECIAL, repair, or amendment of	140
SPECIAL, less of lands, to const-	
Summrs of disposition of	152
Time when due	153
REAL estate, (see "Lands")	
Meaning of term	3
REAL property (see "Lands")	
Meaning of term	3
REAL Property Act, lands sold for taxes to be brought under	118
REAL Property Act, lands improp-	
erly sold for taxes and brought under	121
RECORD, (see "Books")	
RECORDS, inspection of	79
ACCOUNT of votes	
By laws, on	1
Elections, at	"
Judge may take evidence of death, etc.	142
RECOVERY by City of sums in certain cases	120
RECOVERY of taxes by suit	107
RED RIVER	
Bridge across	246
Improvements, City may bear part of cost of	246
New bridge across near Aberdeen Avenue	246
SEWERS on banks of regulations as to	182
REDEMPTION of lands sold for	
Certificate of	118
Certificate of, to be in duplicate	117
Computation of time for	117
EFFECT of	117
When, when sold up	118
How made from Treasurer	118
How made from District Regis-	
trars	"
Notice of, to tax-purchaser	"
Notice of, to be given to Treas-	
urer	"
Time for	"
Treasurer to pay over money on	"
When assessed value of land not exceeding \$50	"

to tax purchaser	117, 118
REFRESHMENT HOUSES —	
By-laws respecting	233
REFUSE, by-laws respecting	207, 213
REFUSE, removal of under direc-	
tion of Council	218
REGISTER of redemption of lands sold for taxes	119
REGISTRAR,	
to require into regularity of tax sales	120
REGISTRATION —	
By-laws for opening roads on private property, of	134
Certificate of expropriation	260
Departures, of	183
Lands sold for axes, redemption of	115, 118
Names of streets, of	199
Plans of City lots, of	202
REGULATIONS, general powers to make	129
RELIGIOUS ceremonies, by-laws protecting	211
REMOVAL of officers, (see "Dis-	
missal")	
REMUNERATION	
ALDERMEN, of	126
Assessment officers, of	81
Clark of, as returning officer	54
Commission of inquiry as to fin-	
ances, of	184
Constables of	270
Council, of members of	126
Penalty for excessive	186
Employees of	201
Free commissioner to have no	166
Inspection of noxious weeds	261
Judge of County Court—	
Investigating charge of m-	
conduct	263
Receipt of votes for	52
Mayor, of	126
Officers, of	201
Police Commissioners	266
Police Court Clerk	267
Police Magistrate	267
Police officers	270
Treasurer of sinking fund	169
RENEWAL of local improvement, assessment of cost of	175

	PAGE.		PAGE.
RENT —		RETURNING OFFICER.— <i>Continued</i>	
Market stalls, of distress for	218	Vote on by-law	140
Sewers, use of common	201	Deputies to make returns to	11, 129
REPAIR.—		Deputies, when may act in place of	11
Local improvements	178	INTERESTION of election, duties of, in case of	47
Highway of liability for	128	List of electors, copy of to be delivered to	16
REPEAL, general of existing statutes.	297	Nomination duties of, at	12, 13
REPEAL of by-laws, (<i>see</i> "By-laws")	.	Quota of office of	125
REPEATING vote —		Quota, may add matter to voters	39
Correct practice, a	64	Retrospect in election petition, may be	57
Penalty for	47, 67	Result of voting on by-law, to declare, how	140
RE-SALE on non-payment of purchase money of lands sold for taxes	113	Vacancy at election, to fill	35
RESERVOIRS —		Duties respecting election	55
In laws respecting	212	Not to receive nomination of, certain candidates	68
RESIGNATION —		RETURNS.—	
Candidate, of	39	By laws, of voting on	138
Member of Council, of	55	Clerk to be made by, annually	80
RESOLUTION of Council —		Council, to be made by, annually	133
Quashing of	145	Elections at	45, 47
Veto of	72	REVISION of assessment roll	
RESPONDENT in election petition	47	Alterations	95
RESTAURANTS, by-laws respecting	203	Entered on roll to be	96
RETURN of lands sold for taxes	145	APPEALS	
Form of, to be provided by District Registrar	115	Against assessment	90
Design sufficient authority to Registrar to sue on State of title when unredeemed	120	From Court of Revision, generally	99
Unreclaimed to be made by Treasurer to Registrar	117, 118	From Court of Revision, procedure	99
RETURNING officer —		Assessment Commissioner —	
Appointment of in Clerk's absence	11	Complaint may be	96
Ballot boxes and contents, to return to Clerk's office	48	Errors may correct	96
Casting vote, at election, to have	45, 47	Business tax roll, of, same as general roll	83
Casting vote, on by-law, not to have	140	COMPLAINTS.—	
Casting vote, record of votes, after	38	Notice of	94
Clerk to be	11, 12	Numbering of	94
COMPARTMENT for voters, to provide	13	Who may make	95
CONSERVATOR of peace, to be	12	Court of Revision	95
CONSTABLE, may appoint special	18	Adjournment of	97
DECLARATION of result by:—		Constitution and place of sitting	95
Elections	46	Duties of	97
		Errors and omissions.	95, 96
		May order new assessment	98
		Report of	98
		Who to preside over	97
		HEARING of complaints	97

	PAGE.		PAGE.
REVISION of assessment roll— <i>Cont</i>		RIGHT-OF-WAY, not to be im-	
HEARING of complaints— <i>Cont</i>		ped in opening streets,	
Absence of parties in case of	97	etc.	229
Adjournment of	97	RINKS by-laws respecting	224
Evidence on, to be on oath if		RIVERS	
required	98	By-laws respecting	226
Examination of parties or wit-		ROAD-ALLOWANCE, lease or	
nesses	98	sale of	225
Postponement of	98	Transportation over	221
Notice of savings	95	ROADS, (see "Highways") —	
Contents of	95	Aid to ad curing municipality, for	222
How given generally	96	NAMES of registration of	199
Notice to persons complained		OPENING of by-laws as to	227
against	94	To be kept in repair by City	224
Revised roll to be in force, ex-		ROAD commissioners, by-laws ap-	
ceptions	96	pointing	209
SCHEMATA, how obtained	96	ROAD surveys, by-laws respect-	
To be complete by July 1st in		ing	209
each year	97	ROLL, (see "Assessment Roll,"	
REWARDS —		"Tax Roll")	
BEASTS at first, for	204	ROOFS, by-laws respecting	203, 207
CRIMINALS, respecting	203	ROOFS, scuttles to	207
RIDING —		ROUGE-ET-NOIR tables, by-laws	
By laws respecting	201, 202, 220	respecting	211
Highway on, rules for	227, 234	ROULETTE tables, by-laws re-	
		specting	211
		RUBBISH, by-laws respecting	207, 212, 217
		RULES of the road	227-232, 244

S

SABBATH DAY, by laws respect-		SALE OF LANDS— <i>Continued</i>	
ing	211	City may exchange lease or sell	
SALARIES, (see "Remuneration")		lands purchased by it	112
SALARIES to be paid by Treas-		CITY may purchase when	112
urer	139	CITY may rent, when	112
SALE, (see "Contracts")		DATE of sale, what taken to be	117
Animals impounded, of	200	DISTRICT Registrar not bound to	
Road allowance, of	222	enquire into regularity of	120
Timber, etc., on road allowances	222	DISTRESS, enquiry for unnecessary	109
SALE of lands for taxes.—		Errors, etc., lands sold in	110
Appointment of	110	INDEMNITY to owner for illegal	121
Advertisement of sale	109	LANDS liable to be sold, to be	
Advertisement of sale to be in		listed	108
Gazette	109	LISTED land only to be sold	109
Assessment of lands sold	112	LANDS sold for more than ar-	
By-laws fixing place of sale.	110	rears and costs, procedure.	112
CERTIFICATE of sale	113, 114	Mean of	111
Assignment of	114	OMISSIONS from list, effect of	119
City to	111, 112	PAYMENT of purchase money	112
Third party to, when land sold		PLACE of sale, how fixed	119
for, surplus	114	PURCHASER, rights of	114
		PURCHASER to make statement of	
		name, etc.	114

	PAGE.		PAGE.
SALE OF LANDS—Continued		SECURITY for costs—Continued	
Purchase money, application of	112	Security of votes of —	
Real Property Act, lands im-		By-law, on	141
properly sold and brought		Elections at	50
order	124	SEIZURE under levy for taxes,	
Resumption by Treasurer and its		effect and mode of	104 105
effect	110	SEWERAGE , by-laws respecting	217
Resumption of lots sold together	114	SEWER CONNECTIONS—	
Resumption from District Regis-		City may direct to be made	183
trar	118	Commissioner on report of Health	
Re-sale on non-payment of pur-		Officer and Engineer	183
chase money	113	Cost of if made by City, how	
TITLE, when land vested in Crown	116	collected	183
Where to take place	10	Council may direct making of	183
SALE statutes, by-laws respecting	220	Equalization of cost of	183
SAMPLES , by-laws as to sale by	224	May be made by City as sanitary	
SAND on road allowance, disposi-		necessary	183
tion of	212	Proportionate charge for, when	
SANITARY necessity, sewer and		sewer not in the middle of the	
water connections at	182	street	183
SCAFFOLDING , by laws respect-		Red and Assiniboine Rivers, near,	
ing	308 309	regulations as to	183
SCAVENGERS , by-laws respect-		SEWERS , (see "Drain" "Drain	
ing	217	age")	
SCHOOLS , public, exempt from		As sanitary necessities Council	
taxation	31	may construct	183
SEAL , common powers respecting	3	By-laws respecting L.S. 184, 217, 218 219	
SECOND-HAND stores, by-laws		CLEARING etc.	217
respecting	224	Exemption of land for	218
SECRECY of voting —		Outlets as to assessment of cost	
By-laws on —		of	218
Declaration of	141	ON RANGES of Red and Assin-	
Penalty for non-observance of	140	boine, provisions as to	183
Restrictions at —		Rate per foot for construction of	181
Declaration of	48, 49	RENTS for using, by-laws respect-	
Penalty for non-observance of	48	ing	204 219
SECURITY —		Retrospective clauses as to	181
As to industries, to secure con-		Incumbering, fooling, etc. of	217
ditions of	161	SHADE TREES , by laws respect-	
Costs, for (see "Security for		ing	216
Costs")		SHEEP slaughtered dead, sale	
Contracts, of —		ure of	303, 313
By-laws as to	301	SHAREHOLDER not disqualified	
Guarantee Company's policy		as doctor	8
may be by	128	SHELTER for cabmen, etc., pro-	
SECURITY for costs —		visions for	231
Election petitions, of	37	SHERIFF procedure of, under ex-	
Defects in giving effect of	28	ecutions against City	244
Objections to	27 28		
Substitution of new petitioner			
upon	61		

	PAGE		PAGE
SHINGLES, measuring of, by-laws respecting	216	SLAUGHTER HOUSES, by-laws respecting	212, 213
SHOE BLACKS, by-laws respect- ing	226	SLUGH BELLS, (see "Bells")	
SHOE, horse regulations as to size, etc. of	250	SLIPS, by-laws respecting	212, 224
SHOPS		SNOW —	
Butchers', by-laws respecting	234	By-laws as to removal of	219
Carpenters, by-laws as to lights		SOLICITOR, (see "Attorney")	
in	237	By-law, may appear on objections	181
Fur	233	to	181
Inspection of food for sale in	212	Costs of started	187
Junk and second-hand, by-laws as to	215	SPECIAL assessments, (see "Rates")	
SHORES, by-laws respecting	213, 220	Alienation of small strip of land to escape	174
SHORT measurement, penalty for	210	Arrest from, how made	177
SHORT sale	1	Ascertained property liable to	172, 173
SHOWS, by-laws respecting	211, 222	Confirmation of, notice of	179
SHRUBS, by-laws respecting	210	DRAINAGE for	173
SHOPWALKS		Excavations for pipe connections	215
Construction of, by owner in front of his land	182	Enrolment purposes, for	251
CLEANING of	212	If first sufficient additional may be made	174
Driving on, by-laws for preven- tion of	200	LOCAL improvements, generally, for	173, 188
Local improvements, by-laws re- specting	173	No power to resort after by-law in force	181
Removal of ice, etc., from by- laws as to	210	Not to apply to ordinary cases of removal or repair	175
Riding on, by-laws to prevent	200	Rates to be on frontage	174
Setting apart portion of street for	202	Rates to be annual, on frontage	174
SIGNS, by-laws as to defacing	211	Sewerage system	217
PROJECTING, by-laws as to	210	Sewer railway	154, 165
ADVERTISING, by-laws as to	210	Streets for sweeping and water ing	220
SINKING FUND —		Survival of disposition of	183
By Law, certain, to provide for	148	Term within which to be paid	186
Deductions, may be used in pur- chasing unsold	128	To apply to at least twelve feet of frontage	174
Illegal investment of Council not to be party to	123	Walls for covering, etc.	212
Investment of	152, 194, 192	Works may be done before as- essment made	176
Provisions as to	189, 192	SPECIAL constables, appointment of at election	12
Special account for	191	SQUARES —	
Transfer of, when not invested	189	By-laws respecting	217
Trustees of powers of	189, 191	Jurisdiction over vested in City	231
Trustees of meetings of	190, 191	Land, acquisition of, for	281
SINKS, by-laws respecting	216	Local improvement, by-laws re- specting	173
CLEANING etc., of	217	Names of, altering	199
Construction of	216	STABLES —	
SKATING rinks, by-laws respect- ing	224	Inspection of, as to	211, 214

	PAGE.		PAGE
STABLES—Continued		STREETS—Continued	
LICENSING, by-laws for	214, 225	SELLING part of when new street opened	222
REGULATING use of fire and light in	207	SURVEYING, etc.	199
STAIRS and stair-railings, by-laws respecting	204	SWEARING of	220
STATEMENT to be made by person assessed for taxes	99	To be kept in repair by City	221
PENALTY for neglect to supply	99	Use of part of, by builders	221
Assessment commissioner not bound by	99	Watering of	220
STATEMENT of taxes due—		Watering of	173, 227
Collector's	107	STREET RAILWAY—	169
STOCK-YARDS, by-laws respecting	213, 239	ASSESSMENT of for paving streets	194, 233
STONE on road allowances, disposition of	222	By-laws respecting	221
STOVES, by-laws respecting	207	CARS of not to run on Sunday until affirmative answer to question on submission to people	235
STREAMS, (see "Rivers")		FENCES to	221
Assessment for deepening, special	173	STUMPS, burning of	207
STREET-CARS, tenders to	221	SUBURBAN fire trade, debentures for construction of	206
STREET CARS, running on Sunday, as to, submission to people	235	SUBURBAN police stations, debentures for construction of	206
STREETS, (see "Highways," "Roads")		SUITS to set aside tax sale—	
ALTERATION of	193	Barred by claim for surplus	123
BELLA horses, etc. to have when driven on, in winter	220, 229	IMPROVEMENTS, recovery of, in	124
By-laws respecting	195, 198, 219-222	Notice to be given to Treasurer	124
Registration of	220	SUITS for taxes by street	165
Cost of opening, Council may assume part of	194	SUITS for taxes by City	197
DWELLINGS on narrow, regulation of	218	SLANDA—	
Fast driving on	202	By-laws as to doing business on	211
Disorderly person on, by-laws respecting	211	Police Court need not sit on	207
Grading of, by-laws respecting	173	Street cars not to run on (see "Sunday Street Car Service")	225
LIGHTING of, by-laws respecting	220	SUNDAY street car service—	
NAMES of, by-laws respecting	199	Appointment of agents, etc., at polling	226
OPENING of, by-laws respecting	173, 221	Assent of majority of electors voting necessary	225
PAVING of, by-laws respecting	173	By-law as to, to be submitted at annual civic election	227
PROJECTIONS on, by-laws respecting	215	By-law not to be re-submitted within three years after negative answer	227
Pipes on, gas and water	163, 215	By-law to define extent of service	226
Records of, to be kept	196	Deputy returning officers, etc., may vote where stationed	227
REGULATIONS affecting	202-4, 219-222	None unless affirmative answer to question given	226
SALE in of meat, hay, etc., regulation of	216	OATH, to be administered to electors	227
		Proceedings, etc., at submission of question	225

	PAGE.		PAGE.
SUNDAY STREET CARS.—Costs		SURPLUS—Continued	
Quorum as to to be decided by		Suit against City barred when	
voluntariness of by-law	236	order made by Registrar or	
Votes may cast but one vote	236	Judge	233
Who entitled to vote on question		SURVEYOR —	
of	236	City, must cert. by plans	242
SURPLUS, disposition of		Road	
Funds generally of	138, 143	Appropriation of, etc., of	240
Rents over estimates, of	151	Entry of, on lands	220
SURPLUS purchase money (tax		SURVEYS, (see "Surveyor")	
sale), recovery of	122	Building lots in city of, require	
SURPLUS purchase money (tax		approval of City Surveyor	243
sale), recovery of by owner	28, 33	Roads by government confirmed	230
Purchaser's recovery of, by, when		SWINE, keeping of	218
sale not made	124	SWINE, unslaughtered dead, seizure of	241

T

TAINTED food, by-laws respecting	213	TAXABLE PROPERTY	213
TANNERRIES, by-laws respecting	213	Owned out of City	213
TAVERN, election not to be held in	21	TAXES, (see "Licenses," "Rates")	
TAX, minimum on any parcel of land	102	Does, on	201
TAXATION of property exempt under Railway Taxation Act, none	93	Exemption from, by-laws granting	66
TAX ROLLS		When due	102
Assessors compile for, in	102	TAXES, collection of	102
Business, to be separate from general	101	May be levied on real or personal property	101
Contents of real property assessment	101	Percentage on unpaid	101
Custody of	102	Set to recover	101
Date of tax notice entry of, in	102	Unpaid may be levied for	101
Notice of taxes due	101	When due	102
Preparation of	101	TELEGRAPH companies, by-laws respecting	224
Taxes upon very small assessments	102	Police, by-laws respecting	220
Tenants' names need not be entered in general	102	TELEPHONE companies, by-laws respecting	224
TAX SALE, (see "Sale of Lands for Taxes")		Police, by-laws respecting	220
TAX SALES FUND		TENANT term defined	10
Fees payable on petition for payment out of	123	TENANTS	
Limitation of time for claim upon	121	Electors, when qualified as	2
Proceedings on claims against	122	Names of, need not be inserted in Realty Tax roll	120
Third party interested in	124	TENDER appointment of officers by, prohibited	117
Who entitled to claim against	122	Compensation of, in expropriation cases	231
		Fractions, vote at, proceedings	

	PAGE.		PAGE.
TENDER of awards:—		TRAVELLING expenses, of mem-	
<i>Issued</i> by law, etc., for acts done		bers of Council	184
<i>under</i>	146	TRAVELLING on high-ways	237
<i>Necessaries</i> , for damages arising		TREASURER —	
<i>from</i>	247	<i>Acting</i>	80
TERM OF OFFICE .		<i>Acting</i> may be male or female	81
ALDERMAN	10	<i>Appointment of</i>	80
MAYOR	10	<i>By laws</i> affecting	80
<i>Officers, employees, etc.</i>	127	<i>Declaration of office of</i>	123
THEATRES , by-laws respecting		<i>Duties of</i>	80
<i>construction of</i>	204	<i>Applications of moneys, collect-</i>	
<i>By-laws, lighting and protection</i>		<i>under by-law</i>	80, 135
<i>from fire</i>	204, 205	<i>Borrowing money, for current</i>	
TIMBER on road allowance, dis-		<i>expenses when authorized to</i>	147
<i>position of</i>	232	<i>Executions against City in</i>	
TIME		<i>cases of</i>	247-249
<i>HOLIDAY, in computation of</i>	2	<i>How performed</i>	50
<i>Methods of computing for pur-</i>		<i>Keep debenture registry book,</i>	
<i>poses of charter</i>	2, 3	<i>to</i>	145
<i>Nomination and election, between</i>	13	<i>Keep debentures and bonds to</i>	
<i>Pool, to be kept open, in which</i>	13	<i>used by the City</i>	80
TIE , (see "Casting Vote")		<i>Impounding for acts done by</i>	
TIRES and wheels by-laws as to	230	<i>direction of Council</i>	80
TITLE to lands sold for taxes	117	<i>Inspection of books, etc. of</i>	180
<i>Application for, to District Reg-</i>		<i>PAYMENT</i> to, of sums collected	
<i>istrar</i>	118	<i>by District Registrar on sale of</i>	
<i>Certificate of, when to issue</i>	119	<i>lands for taxes</i>	181
<i>City may apply and include many</i>		<i>RETURNS</i> of, to District Registrar	
<i>parcels in one application</i>	120	<i>on sale of land for taxes</i>	115
<i>City may assign after application,</i>		<i>Security to be furnished by</i>	80
<i>how</i>	120	<i>SUFFICIENCY</i> of, to be enquired	
<i>Fees payable on applications for</i>	120	<i>into by Council</i>	80
<i>Procurator to obtain</i>	118	<i>Statement of, to District Regis-</i>	
<i>Tax deed not to issue</i>	118	<i>trar of arrears of taxes due</i>	
<i>TREASURER</i> to make return to		<i>upon lands sold for taxes</i>	114
<i>Registrar of lands unredemmed</i>	118	<i>To be of full age, etc.</i>	51
<i>Visiting certificate not to issue</i>	118	<i>To make duplicate receipts</i>	183
TOBACCO , by-laws respecting sale		<i>To pay wages and salaries</i>	169
<i>of</i>	215	<i>To report delinquencies of officers</i>	
"TO VOTE" meaning of term	3	<i>in payment in of money</i>	159
TOMB , destruction of ..	199	<i>To keep separate account of bi-</i>	
TRADERS —		<i>cycle path funds</i>	244
<i>Licensing of, by-laws as to</i>	123, 122, 224	<i>Writs of execution against City,</i>	
<i>Fees, how fixed</i>	123	<i>copy of to be left with</i>	245
<i>Transient term defined</i>	233	TREATING a corrupt practice,	
TRADES dangerous, by-laws as to	207	<i>when</i>	65
TRADING STAMPS , by-laws re-		TREES —	
<i>specting</i>	224	<i>Enacting of regulations as to</i>	237
TRAMWAYS , by-laws respecting	221	<i>Injury to, penalty for</i>	234
TRANSFER of debentures	135	<i>Planting of, by-law, local im-</i>	
TRANSIENT TRADERS , by-laws		<i>provement</i>	173
<i>respecting</i>	222	<i>Planting of regulations as to</i>	216, 224
<i>Term defined</i>	222		

	PAGE		PAGE
TILES — <i>Continued.</i>		TRESPASSING —	
PRESERVING and planting, by-laws as to	210	ANIMALS, by, by-laws respecting	209, 210
PRESERVING or selling, on road allowance	222	ROADS, in opening	230
PROPERTY in	234	TRUSTEES —	
REMOVAL of	234	CONTRACTS of, as to lands	232
SALE, etc., by-laws as to	222	SINKING fund	183, 192
SHADE and ornamental, planting of	212	TUBERCULIN TEST , by-laws as to	214, 215

C

UNBORN issue, contracts, etc. as to lands	222	UNPAID taxes, tax roll evidence of when showing arrears.	104
UNDUE influence		UNSAFE buildings, provisions for removal of	203
CORRUPT practice, a	55	UNSANITARY buildings, regulations to abate	218, 220
DEFINITION of	55	URINALS , lavatories, etc., in streets, by laws respecting	218
UNOCCUPIED lands, assessment of, for taxes	54		

V

VACANT lots, by-laws as to enclosing	208	VAGRANTS —	
SALE of meat, hay, etc., regulating	216	ARREST of, by police	271
CLEARING, draining, etc., of	217	BY-LAWS as to	211
VACANCIES in Council —		VALUATOR by-laws appointing	209
APPOINTMENT of, to fill, if electors neglect	56	VEGETABLES , regulating sale of	216
Persons appointed to make declarations, etc	56	VEHICLES —	
CAUSES of:—		BILLS, driving without	220, 223, 244
Disqualification	54, 55	BY-LAWS as to	203, 210, 220, 221
Forfeiture of seat for crime, insolvency, etc	5, 54	Fee here stands for	221
Resignation of seat	54	HOURS, by-laws as to	226
ELECTIONS to EM		IN MARKETS with goods for sale	216
Mayor of after 1st December	55	RULES of road in meeting and passing	227, 228
Proceedings at and prior to	55, 56	VENTILATORS , roof, by-laws respecting	205
Term of office of persons elected at	55, 56	VENDOR and purchaser unassessed assessments for local improvements not deemed enforceable	171
Time of holding	56	VESSELS by-laws as to	217
Warrants for, when previous to organization for year	56	VENDORS , milk, regulation of	214
Persons elected for to head office for residue of term	55, 56	VETO of by-laws, etc., authorizing expenditure of money	79
Proceedings to unseat member disqualified	56	VICE , by-laws for preventing	211
VACANT lands, assessment of for taxes	55	VICTUALLING HOUSES , by-laws respecting	223
		VITAL statistics, annual returns of	102

	PAGE.
VITAL, statistics, endorsement as to on tax notice	463
VOTE, casting, <i>(see</i> "Casting Vote")	
VOTE, repeating, at elections, penalty for	37
VOTER, <i>(see</i> "Electors")	
By-law on, who may be	137
Directions for guidance of—	
Electors, at	15
Voting on by-laws, in	134
Disclose vote, not to be compelled to	49
Inquiries that may be made of	138
Interference with, prohibited	40
Must be named in list of electors	9
OATH of, <i>(see</i> "Oaths")	
QUALIFICATION of, elections at	9
QUALIFICATION of, voting on by-laws on	137
Receipt of ballot by, effect of	37
VOTING <i>(see</i> "Elections," "Voting on By-Laws")	
Ballot, by <i>(see</i> "Ballot")	
Ballot marking	41
By MACHINE, provisions and regulations for	68, 142
CERTIFICATE, on <i>(see</i> "Certificate")	
COMPARTMENTS for	15
Exclusion of others than voters from	41
EMERGENCY of	37
INCAPACITY to mark ballot, in case of	43

	PAGE.
VOTING— <i>Continued</i>	
Mode of	10, 47
By Macdonald voting machine	68, 142
Expansion of	40
Objections to	49, 138
Place of	37, 38
QUESTION of qualification not be raised on	9
SECURITY of <i>(see</i> "Security of Voting")	
VOTING on by-laws <i>(see</i> "By-law," "Vote," "Voting")	
AGENTS for appointment of	33
BALLOT form of, for	133
BALLOT, to be by	134
DAY of to be fixed by Council	131
DECLARATION of result of	100, 141
DEPUTY returning officer's duties after	134, 140
MACDONALD voting machine, by	142
Mode of similar to that at election	135
NOTICE of	131
LIST of electors for	134
Objections to	138
PASSING of by-law after	144
PROCEEDINGS preliminary to	11, 132
WHERE to be held <i>(see</i> "Polling Place")	
Who entitled to vote at	137
Who may be present at	133
VOTING PLACE, where electors may vote	37

W

WALLS and beams, by-laws respecting	203
WARD assessment for taxes	42
WARDS—	
Division into, of City	4-7
WARRANT—	
Districts for penalty for breach of by-laws to levy	227
Money to be paid out and only on, of Comptroller	169
New election to fill vacancy in Council, for	58, 54
PAYMENTS of accounts, etc., for	157
Sale of lands for taxes	166

WATER, City by-laws concerning use of	213
WATER, feeding of by animals, etc.	217
WATER CLOSETS, by-laws respecting	214, 218
WATER CONNECTIONS, compulsory on report of Health Officer and Engineer	187, 188
WATER COURSES—	
By Laws respecting	2, 7
CLEANING, by-laws for	2, 7
LANDS, acquisition of, etc., of for	100, 251
LOCAL improvement by-laws respecting	173

	PAGE.		PAGE.
WATER GATES- by-laws respect-		WATERWORKS, CITY <i>Cont</i>	
ing	308	City:—	
WATER-PIPES, power to lay	303	Power to construct	373
WATER PIPES- service, cost to		Power to enlarge and add to	373
be paid by City	310	Power to employ engineers and	
WATERPOWER. Assemboine.		other officers	373
WATER RATES, may be required		Power to rent or purchase for	
to be paid in advance	284	waterworks purposes	373
WATER SUPPLY (see "Water-		Power to lay pipes in streets,	
works, City")		roads- etc.	373
By laws respecting	310, 311	Duties of, in respect of supply	
WATERWORKS, CITY —		of pure water	373
Actions, damages for injury etc.,		Resumption of control of works	
to works	378	after commissioners appointed	386
For use of water, damaging		May exercise powers by com-	
works, etc., City may prose-		missioners	384
cute and defend	281	COLLECTORS, City, may be employed	377
ASSASSINATIONS		Commissioners —	
Appointment of, in expropria-		City, may exercise its powers	
tion cases	373	by	384
Before whom to be sworn as	373	City resumption of control of	
Notice to, to proceed with in-		works by	386
vestigation	373	Elected to be	384
Orders of	373	Powers of	384
ADMINISTRATION, procedure in cases		Council to supply money to en-	
of	373, 373	certificate	385
ASSISTERS, City, may be employed	377	Number and term of office of	383
AWARD —		Vacancy on board of	383
May be set aside by Court of		Quorum for transaction of bus-	
King's Bench	378	ness	383
Amount of, to be paid within		Qualifications of	383
three months	378	Oath of office of clerks, etc. of	387
Amount not so paid, rights of		Oath of office of	387
proprietor revive	378	Oath of qualification	383
After award and payment lands		Vacancies, how caused	383
etc., vest in City	373	Salaries of	386
BATHING or washing clothes,		Not to be interested in con-	
skins of animals, within one		tracts	383
mile of source of supply, pen-		Accounts of keeping of	386
alty for	377	Annual report to Council	386
Books and accounts, separate, as		To furnish as required inform-	
to waterworks to be kept	375	ation to Council	387
Borrowing powers for water		To pay over moneys collected	
works purposes	381, 383	quarterly or as directed by	
Borrowing powers, additional to		Council	387
those already possessed	383	Treasurer, City, to be Treasurer	
By-laws for general manage-		of	387
ment and enforcement of pow-		COMMUNICATING with pipes with-	
ers	376	out consent of City, penalty	377
By-laws for collection of water		COMMUNICATING for entry upon	
rates	377	lands	374
By-laws for selling, giving or		CONDUITS, construction of au-	
washing water, prohibiting	378	thorized	373

	PAGE		PAGE
WATERWORKS, CITY <i>Cont.</i>		WATERWORKS, CITY <i>Cont.</i>	
DAMS, construction of, authorized	272	LANDS expropriated vest in City after award and payment	272
DEBENTURES for waterworks purposes	282	LANDS, expropriation of, procedure	272, 273
DEBENTURE, expropriation of lands of persons under	272	LANDS hypothecated to secure debentures	282
DESIGNATION, user of water by member of Council, not to be a	283	LANDS outside City and within 100 miles thereof may be entered upon, etc.	272
DISTANCE for water rates authorized	277	LANDS, sale of, when no longer required for waterworks purposes	280
DISTRACTION and price of water	276	LIMITATION of actions as to waterworks	283
DUTIES of City as respect of supply of pure water	272	MACHINERY, erection of, authorized	272
ENTRY upon premises receiving water to inspect	280	MARRIAGE women, expropriation of lands of	272
ENTRY upon premises, power to enter and inspect meters	280	MATERIALS procured under contract by City exempt from exaction	275
EXAMINER, power to employ	272	METERS, regulations respecting placing upon service pipes	280
EXEMPTION from taxation, works and appurtenances are	283	METERS, may be installed by City in buildings	280
EXERCUTION, materials procured by City under contract exempt from	275	NOTICE, arbitrators, to, to proceed with investigation	272
EXPROPRIATION of land procedure in cases of	272, 273	OATHS arbitrators of	272
EXTENSION of service to suburbs arrangements for	281	OFFICIALS, City, may be employed in management	277
FEELING water supply, penalty for	277	PAYMENT award of amount of	272
FRONTAGE assessment of lots past which water mains are laid	274, 275	PAYMENT of water rates	277
FRONTAGE assessment lien upon realty	275	PAYMENT of water rates may be required in advance	284
FRONTAGE assessment distinct from price of water	280	PENALTY —	
FUND, management and disposition of	276, 277	Application of	272, 273
GIVING away water by person to whom supplied, penalty	278	Bathing or washing wool skins, etc., near source of supply	277
HINDERANCE servants of City in exercise of powers, penalty	274	Feeling water, repairing works for	277
HYDRAULS, etc., unlawfully interfering with	280	Hinderance servants of City	274
HYDRAULIZATION of works and lands to secure debentures	282, 283	Non-payment of amount of award for	272
INDENTS, expropriation of lands of	272	Obtaining water from mains or pipes without permission	277
INDENT persons, expropriation of lands of	272	PENES —	
LANDS expropriated, etc., application of moneys arising from sale of	280	Entry upon lands to lay	272
		Laying of cost, how defrayed	279
		Laying service pipes, City to bear all cost of, to street line	279
		Price of water and times of payment, City to fix	276

	PAGE.		PAGE
WATERWORKS, CITY— <i>Cont</i>		WATERWORKS, CITY— <i>Cont</i>	
Purchase of construction and management of waterworks	271, 272	Works —	
Regulation of distribution of water	274	Hypothecated to secure debentures	288
Reservoirs, construction of, authorized	273	Power to erect on lands expropriated	272
Reports showing statement of affairs to be annually made to Lieutenant-Governor	273	Vested in City	272
Return what to contain	275	WATERWORKS connections —	
Rates, water (<i>see</i> "Water Rates" post)		City may make as sanitary necessity	182
When collected to be paid over to Treasurer	276	Cost of when so made, now collected	183
Remains defrayment of cost of	275	WATERWORKS COMPANY —	
Revenues of waterworks, application of	282	Rights of existing, saved	189
Selling water by person to whom supplied, penalty	278	WATERWORKS system, expropriation of land for	272
Service pipes —		WEEDS, noxious, by-laws respecting	291
City not liable for damage to, when	280	WEIGHING fine coal, etc., by-laws regulating	214
Cost of laying, how defrayed	279	WEIGH SCALES, public, by-laws respecting	214
Stop-cocks, use of defined	279	WEIGHTS and measures —	
Suburban extension of service to	281	By laws respecting	214
Summit power of entry upon land for	272	Inspection of	214
Summers, power to employ	272	WELLS —	
Tare, to be approved by City	280	Enclosing or covering up, by-laws respecting	212
Treasurer City to be Treasurer of Cattle-shedders	287	Establishment, etc.	212
Vacant property rating and taxing of	281	Protection of	212
Waterworks, construction of authorized	271, 272	Public, protection of	212
Waterworks, control of	281	WHARVES	
Water selling of by person to whom supplied, penalty	278	By-laws respecting	215, 216
Water privileges purchase and expropriation of	272	Deeds for construction, contracting	147
Water rates —		Prevention of injury to	219
City to fix amounts of	275	WHEELS and tires, by-laws as to	220
Assessment of	275	WIFE as witness for or against husband	265
Disposition of proceeds of	278	WINNIPEG electric street railway, rights of saved	169
Frontage district from price of water	279	WIRE fences, by-laws respecting	209
Laid upon realty to be	275, 279	WITNESSES in prosecution:—	
Method of collection of	279	Compelling attendance of	268
Water supply, pure and adequate, to be provided	272	Compelling attendance of by police commissioners	269
		Competency of	268
		Conversion on oath of one	264
		WITNESSES on trial of election petition	56, 60
		Attendance of, how enforced	60

	PAGE.		PAGE.
WITNESSES— <i>Continued.</i>		WOOD:—	
Crimes not excused from discovering on ground of....	59	Monopoly of, in market forbidden	215
Certificate of Judge protecting.	59	RACES for, on market, by-laws as to	216
Cross-examination of	59	REGULATING sale of	216
COMPLAINANTS competent as	563	WORK, inter-municipal	223
Fees of	60	WORKHOUSE, by-laws as to....	209
How summoned and sworn	59	WORKMEN, protection of	202
RATEPAYERS not incompetent as where City interested	245	WORKS, local improvement, may be completed before assess- ment made	176
WITNESS re corrupt practices:— Evidence of, to be taken <i>exa voce</i>	66	WRIT of execution, (<i>see</i> "Execu- tions.")	
WOMAN, (<i>see</i> "Female.")			

Y

YARDS, by-laws respecting:—		YEAR, fiscal, of City	160
CLEANING, as to	217	YOUNG Men's Christian Associa- tion, exemption from taxa- tion	141
Fine for protection from.....	206		



